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JOURNAL OF SOCIAL SCIENCE,

CONTAINING THE
PROCEEDINGS OF THE AMERICAN ASSOCIATION.

NUMBER XLIV.

SEPTEMBER, 1906.

NEW YORK PAPERS OF 1906.

PAPERS READ IN THE DEPARTMENTS OF JURISPRUDENCE,
SOCIAL ECONOMY, AND EDUCATION.



PUBLISHED FOR THE
AMERICAN SOCIAL SCIENCE ASSOCIATION.

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EDITED BY

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NEW YORK CITY.



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INTRODUCTION.

The papers included in this number of the *Journal of Social Science* comprise all of the New York addresses of 1906.

The reports of running debates are taken from the notes of the official stenographer; but in most instances such reports have been revised by the contributors to the discussion.

It may be well in this place to remind essayists once more of the *invariable rule* of the Association, that all papers engaged for the General Meeting are so secured with the understanding that they may be published in the *Journal* if deemed advisable. The members of the Council, however, are not pledged in advance to the publication of any particular paper. If writers choose to publish elsewhere, it must be with the stipulation that their papers may also be printed in the *Journal*, at the option of the Council as to date of publication. Heads of departments are not solicitous to secure essays which, in general form and substance, have been read elsewhere before presentation at the Association Meeting.

A list of all addresses and papers will be found in the Table of Contents, and volumes published by the Association may be ordered of the Boston Book Company or of Damrell & Upham, Boston, Mass., the selling agents of the Association.

MEMBERS OF THE ASSOCIATION.

All officers are *ex-officio* members of the Association, but persons serving on the Department Committees may or may not be members of the Association.

In the list herewith submitted the annual and life members are given alphabetically, and the honorary and corresponding members according to nationality. The only distinction between honorary and corresponding members is that the former reside in the United States, and the latter in foreign countries. *It was voted at a meeting of the General Council that the "Journal" of the Association shall not be sent to any annual member who has not paid his dues for the year in which the convention is held which is reported in the "Journal."* *It was subsequently voted at a meeting held at Woodmont, Conn., July 6, 1898, that the General Secretary be permitted to use his discretion in carrying into effect this resolution.*

BUSINESS OF 1906.

The American Social Science Association held its Forty-fourth Annual Meeting at New York City, beginning Wednesday evening, May 2, and closing with the session of Friday evening, May 4. The proceedings of the convention were carried on in Assembly Hall, United Charities Building, 105 East Twenty-second Street.

Little formal business was transacted at this meeting of the Association. It was deemed expedient to defer the consideration of the routine affairs of the Association until the meeting of the General Council early in the fall.

The members of the Association were called to order at eight o'clock P.M. by President Brooks, who then delivered an introductory address and appointed a nominating committee. At a subsequent meeting the list of officers as reported was adopted, and their names will be found on a succeeding page of the *Journal*.

A special meeting of the General Council of the Association was held at the City Club, New York, at 4 o'clock P.M. on Wednesday, Jan. 24, 1906, President Brooks in the chair. Announcement was made of the death of Frederick Stanley Root, General Secretary of the Association, at New Haven, Conn., on Jan. 18, 1906. In pursuance of authority conferred on the President by the By-laws, Article III., Section 2, Isaac Franklin Russell was appointed to fill the vacancy in this office.

CONSTITUTION, BY-LAWS,
LIST OF OFFICERS, MEMBERS, ETC.,
OF THE
American Social Science Association
SEPTEMBER, 1906.

CONSTITUTION.

I. This society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education and Art; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. *The Council shall consist of President, Treasurer, Secretary, First and Second Vice-Presidents, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-laws.* The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be chairman of the Council. The Chairman of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And, whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Elections to membership shall be made by Standing Committee appointed by the Council in such manner as Council may provide. Any person so elected, and on payment of annual membership fee of five dollars, may continue a member by paying annually such further sum as may be fixed at the Annual Meeting of the Association, not exceeding ten dollars. On payment of one hundred dollars any person may become a life member, exempt from assessments. Honorary and corresponding members may be elected and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

BY-LAWS OF THE ASSOCIATION.

[NOTE.—At a meeting of the Council of the Association, held May 9, 1900, at Washington, a committee of three was appointed to revise the Constitution and formulate By-laws to be considered and adopted by the Council at the earliest opportunity. That committee consisted of the Hon. S. E. Baldwin, the Hon. Francis Wayland, and the General Secretary.

At a subsequent meeting of the Council of the Association, held in New Haven, Conn., Oct. 12, 1900, this committee reported the following By-laws, which were unanimously adopted by the Council. Since the Constitution confers upon the Council power to enact its own By-laws, no further action by the Association is necessary.]

ARTICLE I.

ORDER OF BUSINESS.

The following order of business shall be observed at all meetings of the General Council of the Association:—

- | | |
|----------------------------------|---------------------------|
| (a) Reading of minutes. | (d) Report of committees. |
| (b) Report of Treasurer. | (e) Unfinished business. |
| (c) Report of General Secretary. | (f) New business. |

ARTICLE II.

QUORUM.

The quorum of the Council at all regular and special meetings shall consist of five members, of whom three shall be of the *ex-officio* members of the Council.

ARTICLE III.

VACANCIES.

SECTION 1. A committee shall be appointed on the first day of the general session of the Association to nominate officers, and such committee shall report upon the morning of the last day of the general session.

SECT. 2. The President may fill any vacancy occurring during the year in any office.

ARTICLE IV.

AMENDMENTS.

The By-laws of the Association may be altered, amended, or repealed by the Council at any meeting by a two-thirds vote of the members present.

ARTICLE V.

TREASURER.

SECTION 1. It shall be the duty of the Treasurer to forward bills for annual dues on the first day of January of each successive year, and to meet all bills for printing, publishing, salaries, etc., on presentation of vouchers approved by President or First Vice-President, and the General Secretary.

SECT. 2. No funds shall be set apart for permanent investment without vote of Council; and all funds so set apart may be invested by the Treasurer at his discretion.

SECT. 3. The President or First Vice-President may draw on the Treasurer in favor of the General Secretary at any time for such sums, not exceeding one hundred dollars at any one time, as the President or First Vice-President may deem necessary to meet any proper expenses incident to the management of the Association or the proceedings of the Committee on Elections to Membership.

ARTICLE VI.

PRINTING.

SECTION 1. The selection of papers for publication in the *Journal* shall be left with the President and General Secretary, the latter serving also as editor of the *Journal*, and with the Heads of Departments. The Chairman of each Department will indicate to the General Secretary what papers, in his judgment, are available for publication in the report of proceedings.

SECT. 2. It shall be the duty of the General Secretary to print and distribute such information concerning the objects and purposes of the Association as may be useful in securing new members.

SECT. 3. It shall be the duty of the General Secretary to publish and distribute a cloth-bound copy of the annual *Journal* of the Association to each member in accordance with provisions under article referring to *Memberships*. Each essayist will be entitled to twenty-five reprints of his paper at the expense of the Association, on condition that his application is placed on file prior to the printing of his paper.

SECT. 4. If, in the judgment of the Treasurer and General Secretary, the funds of the Association will not justify publication in cloth, the current edition of the *Journal* shall appear in paper. The uniform date of publication shall be within six months of the Annual Meeting of the Association. Distribution of the *Journal* shall be effected as soon thereafter as possible.

ARTICLE VII.

MEMBERSHIPS.

SECTION 1. Elections to membership shall be made in accordance with provisions contained in Article IV. of the Constitution.

SECT. 2. After initial payment of assessment fee, all members in arrearages for the next following fiscal year of the Association shall not be entitled to the

Journal. Failure to remit annual dues for two consecutive years shall result in loss of membership in the Association. The General Secretary, however, may exercise his discretion as to the application of this rule in given cases.

ARTICLE VIII.

SALARIES.

The General Secretary shall be paid the amount of his salary in quarterly instalments upon the first days of October, January, April, and July, respectively; and he shall draw upon the Treasurer at his discretion such sums as may be allotted by vote of Council for clerical assistance.

OFFICERS OF THE ASSOCIATION.

1905-1906.

President, JOHN HUSTON FINLEY, Ph.D., LL.D., College of the City of New York.

Honorary President, FRANK B. SANBORN, Concord, Mass.

First Vice-President, Hon. OSCAR S. STRAUS, LL.D., New York City.

Second Vice-President, Hon. FREDERICK J. KINGSBURY, Waterbury, Conn.

Vice-Presidents.

Hon. SIMEON E. BALDWIN, LL.D., New Haven, Conn.

Prest. DANIEL C. GILMAN, LL.D., Baltimore, Md.

Hon. WILLIAM T. HARRIS, LL.D., Washington, D.C.

Prest. J. B. ANGELL, LL.D., Ann Arbor, Mich.

Hon. A. D. WHITE, LL.D., Ithaca, N.Y.

Hon. JOHN EATON, Washington, D.C.

Mr. GEORGE WESTINGHOUSE, Washington, D.C.

Hon. SETH LOW, LL.D., New York.

Hon. JOHN W. FOSTER, LL.D., Washington, D.C.

Mrs. CAROLINE H. DALL, Washington, D.C.

GRACE PECKHAM MURRAY, M.D., New York.

H. HOLBROOK CURTIS, M.D., New York.

Rev. F. G. PEABODY, D.D., Cambridge, Mass.

Prof. GEORGE L. RAYMOND, L.H.D., Princeton, N.J.

Mrs. VIRGINIA B. MCKELWAY, Brooklyn, N.Y.

Hon. C. A. WOODS, Marion, S.C.

Rev. JOSEPH ANDERSON, D.D., Waterbury, Conn.

General Secretary, ISAAC FRANKLIN RUSSELL, D.C.L., LL.D., 120 Broadway, N.Y.

Treasurer, W. C. LEGENDRE, 59 Wall Street, New York.

Directors.

President CHARLES W. ELIOT, LL.D., Cambridge, Mass.

Hon. ST. CLAIR MCKELWAY, LL.D., L.H.D., Brooklyn, N.Y.

W. A. GILES, Chicago, Ill.

BOOKER T. WASHINGTON, LL.D., Tuskegee, Ala.

Hon. CARROLL D. WRIGHT, LL.D., Worcester, Mass.

EUGENE SMITH, New York City.

Hon. CHARLES S. HAMLIN, Boston, Mass.

Prof. HARRY A. GARFIELD, Princeton, N.J.

Dr. ALBERT SHAW, New York.

Department Officers.

I. *Education and Art*.—Prof. SAMUEL T. DUTTON, New York City, *Chairman*; Prof. PAUL MONROE, New York City, *Secretary*.

II. *Social Economy*.—JOHN GRAHAM BROOKS, Cambridge, Mass., *Chairman*; JOHN MARTIN, New York City, *Secretary*.

III.—*Jurisprudence*. Hon. CHARLES BULKLEY HUBBELL, New York City, *Chairman*; Prof. ISAAC FRANKLIN RUSSELL, New York City, *Secretary*.

LIFE MEMBERS.

Extract from Constitution: "On payment of one hundred dollars any person may become a Life Member, exempt from assessments."

- | | |
|---|---|
| Angell, Mr. George T., 19 Milk St., Boston, Mass. | Sanborn, F. B., Concord, Mass. |
| Baldwin, Hon. S. E., LL.D., New Haven, Conn. | Sanborn, Mrs. Louisa L., Concord, Mass. |
| Barnard, Mrs. James M., 140 Beacon St., Boston, Mass. | Smith, Prof. Goldwin, LL.D., Toronto, Canada. |
| Blatchford, Mr. J. S., Boston, Mass. | Stokes, Mr. Anson Phelps, 45 Cedar St., New York City. |
| Bradford, Mr. Gamaliel, 502 Beacon St., Boston, Mass. | Stokes, Mr. I. N. Phelps, 47 Cedar St., New York City. |
| Dodge, Mr. Charles C., 33 Broadway, New York City. | Stokes, Mr. Thomas, 47 Cedar St., New York City. |
| Dodge, William E., Jr., 99 John St., New York City. | Straus, Hon. Oscar S., LL.D., 42 Warren St., New York City. |
| Eliot, Mrs. Samuel, Boston, Mass. | Villard, Mrs. Henry, 145 W. 38th St., New York City. |
| Endicott, William, Jr., Boston, Mass. | Ward, Mr. J. Q. A., 119 W. 52d St., New York City. |
| Hermann, Mrs. H., 59 W. 56th St., New York City. | Ware, Mr. William R., 130 E. 27th St., New York City. |
| Hoyt, Hon. J. W., The "Victoria," Washington, D.C. | White, Hon. Andrew Dickson, LL.D., Ithaca, N.Y. |
| James, Hon. D. Willis, 45 Wall St., New York City. | Wolcott, Miss Ella L., Elmira, N.Y. |
| Kingsbury, Hon. Frederick J., Waterbury, Conn. | Young, Mr. J. Edward, 130 William St., New York City. |
| Letchworth, Mr. W. P., Portageville, N.Y. | |
| Libbey, Mr. Jonas M., New York City. | |

HONORARY AND CORRESPONDING MEMBERS.

In America.

Moncure D. Conway, Esq., 22 E. 10th St., New York City.
Prof. J. Irving Manatt, Providence, R.I.
Major-Gen. O. O. Howard, Burlington, Vt.
Edmund A. Meredith, Esq., care The Toronto Income Trust Co., Yonge St., Toronto, Can.
Hon. Domingo F. Sarmiento, Buenos Ayres.

In Great Britain and Ireland.

Sir Walter Crofton, The Close, Winchester.
Lord Radstock, London.
Henry Dunning McLeod, Esq., Oxford and Cambridge Club, London.
Alfred Field, Esq., Birmingham.
Thomas H. Barker, Esq., Manchester.
Henry W. Acland, M.D., F.R.S., Oxford.
Miss Louisa Innes Lumsden, Glenbog, Rhynie, Scotland.
Miss J. Frances Dove, Wycombe Abbey, Bucks, England.

Lord Hobhouse, 15 Bruton Street, London.
Prof. James Bryce, M.P., London.
Geoffrey Drage, Esq., London.

In France.

M. August Laugel, 12 Rue de la d'Anjou, Paris.
M. Émile Cacheux, 25 Quai St. Michel, Paris.
M. F. Buisson, Bd. 163 Montparnaess, Paris.
M. Émil Levasseur, 24 Rue Monsieur le Prince, Paris.
M. Arthur Raffalovich, 19 Avenue Hoche, Paris.
M. Pierre Claudio Jannet, 22 Rue Oudinot, Paris.

In Italy.

Signor Martino Beltrani-Scalia, Rome.
Prof. C. F. Gabba, Pisa.
*Prof. Alberto de Errea, Cavaliere della Corna d' Italia, Venice.

In Belgium.

M. Van de Rest, Brussels.

[The names on this list marked with a (*) are those of persons who cannot be found by post-office officials.]

LIST OF ANNUAL MEMBERS, 1906.

[NOTE.—With reference to this enrolment some explanations are essential, and they are as follows:—

The "National Institute of Arts and Letters," organized under the auspices of the American Social Science Association, but now an independent body, still retains a certain connection with the Association in the form of Associate Memberships. The following clauses from vote passed at the Saratoga meeting of the Association define the existing status:—

Voted, That the members of the Institute be *ipso facto* associate members of the Association in return for the courtesy of the Institute in making members of the Association associate members of the Institute.

In the list subjoined, such associate members are marked with a *star*. In the matter of academic titles, such only are given as are known. Members are earnestly solicited to communicate with the editor at once respecting academic titles, and also to correct any errors which may be found upon the roll. All resignations should also be promptly reported to the General Secretary, Isaac Franklin Russell, 120 Broadway, New York City.]

- | | |
|--|--|
| Abraham, A., 800 St. Marks Ave., Brooklyn. | Anderson, Rev. Joseph, D.D., Waterbury, Conn. |
| *Adams, Henry, 1603 H St., N.W., Washington, D.C. | Anderson, Warren E., Pensacola, Fla. |
| Addams, Miss Jane, Hull House, Chicago. | Anderson, Winslow, M.D., 1220 Sutton St., San Francisco. |
| Agar, John G., 31 Nassau St., New York. | Andrews, Charles, LL.D. Syracuse, N.Y. |
| *Alden, Henry M., care of Harper & Brothers, New York. | Andrews, Hon. Charles B., LL.D., Litchfield, Conn. |
| Aldrich, Charles F., Home Insurance Building, Chicago. | Anthony, Prof. Wm. A., Cooper Union, New York. |
| Aldrich, Nelson W., Providence, R.I. | Archer, Frederick, Carnegie Institute, Pittsburg, Pa. |
| *Aldrich, Thomas Bailey, Boston, Mass. | Ashley, Prof. Clarence D., LL.D., N.Y. Un. Law School, New York. |
| Aldridge, George W., 96 Plymouth Ave., Rochester, N.Y. | Ashley, George Hall, 15 W. 22d St., Indianapolis, Ind. |
| *Alexander, John W., 120 Broadway, New York City. | Ashmore, George C., M.D., 794 Republic St., Cleveland, Ohio. |
| *Allen, James Lane, 66 5th Ave., New York. | Ashmore, Sidney G., Union University, Schenectady, N.Y. |
| Allen, Thomas, 12 Commonwealth Ave., Boston. | Atwood, Charles E., M.D., "Bloomingtondale," White Plains, N.Y. |
| Allen, Miss Viola, 27 W. 93d St., New York City. | Atwood, I. M., 189 Harvard St., Rochester, N.Y. |
| Allen, William A., Madison, Neb. | Audsley, G. A., Bowling Green Office, 11 Broadway, New York. |
| Allison, Hon. W. B., 1124 N St., Washington, D.C. | Austen, Peter T., 218 St. Johns Pl., Brooklyn. |
| Ames, Gen. Adelbert, Lowell, Mass. | Avery, A. C., Morganton, N.C. |
| Ames, James Barr, LL.D., Cambridge, Mass. | Avery, Edward H., Auburn, N.Y. |
| Anderson, E. Ellery, 27 William St., New York. | Ayers, Howard, University of Cincinnati, Cincinnati, Ohio. |

- Bacon, Edwin M., 6 Beacon St., Boston.
- Bacon, Hon. Robert, Washington, D.C.
- Baker, David L., Wickford, R.I.
- Baker, Prof. George S., 190 Brattle St., Cambridge.
- Baker, Hon. John H., Indianapolis, Ind.
- Bakewell, Prof. Charles Montague, Bryn Mawr, Pa.
- Baldwin, Hon. S. E., LL.D., New Haven, Conn.
- Bangs, John Kendrick, Yonkers, N.Y.
- Barber, Walter L., M.D., Waterbury, Conn.
- Barclay, Shepard, 705 Olive St., St. Louis, Mo.
- Barr, Mrs. Amelia E., Cornwall-on-Hudson, N.Y.
- Barrows, Charles Clifford, M.D., 8 W. 36th St., New York.
- Bartlett, Franklin, Hanover Bank Building, New York.
- Baylor, Mrs. Frances C., 313 Hall St., West Savannah, Ga.
- Beard, Daniel C., 204 Amity St., Flushing, L.I.
- Beaver, Hon. James A., Bellefonte, Pa.
- *Beckwith, J. Carroll, 58 W. 57th St., New York City.
- Bell, Clark, LL.D., 39 Broadway, New York.
- Belmont, August, 23 Nassau St., New York City.
- Benedict, E. C., Greenwich, Conn.
- Bentley, Edwin, M.D., 617 Main St., Little Rock, Ark.
- Berger, Van Brunt, Shore Road and 77th St., Brooklyn.
- Berger, Victor L., 1229 Second St., Milwaukee, Wis.
- Bernays, August C., M.D., 3623 Laclede Ave., St. Louis.
- Betts, B. Frank, M.D., 1609 Girard Ave., Philadelphia.
- *Bigelow, Hon. John, LL.D., Highland Falls-on-Hudson, N.Y.
- Bingham, E. F., Grafton Hotel, Connecticut Ave., Washington, D.C.
- Bishop, J. Remsen, 117 Huntington Pl., Mt. Vernon, Cincinnati, Ohio.
- Bispham, David S., Players' Club, New York.
- Bixler, James W., D.D., 5 Broad St., New London, Conn.
- Bjorksten, Meodove, 95 Carnegie Hall, New York City.
- *Blashfield, Edwin H., 48 W. 59th St., New York.
- Blenner, Carle J., 58 W. 57th St., New York.
- Blumenberg, Marc A., Broadway and 70th St., The Ormonde, New York.
- Bonaparte, Hon. Charles J., Washington, D.C.
- Bonney, Charles C., 511 Tacoma Building, Chicago.
- Bowdish, Rev. Wellesley W., D.D., 388 9th St., Brooklyn, N.Y.
- Bowker, R.R., 274 Lafayette Ave., Brooklyn.
- Bowles, Samuel, Springfield, Mass.
- Boyde, David R., Norman, Okla.
- Boynton, F. D., 114 S. Geneva St., Ithaca, N.Y.
- Bracken, H. M., M.D., 1010 4th St., South Minneapolis.
- Brainerd, Ira H., 92 William St., New York.
- Braislin, Miss Alice G., Burlington, N.J.
- Brantley, W. G., Brunswick, Ga.
- Breaux, Hon. Joa. A., 1728 Canal St., New Orleans.
- Breed, William J., 1227 W. 8th St., Cincinnati.
- Brett, George P., 66 5th Ave., New York.
- Brevort, James R., 390 N. Broadway, Yonkers, N.Y.
- Brewer, Hon. David J., LL.D., Supreme Court U.S., Washington, D.C.
- Brickell, Robert C., 634 Franklin St., Huntsville, Ala.
- Brinkerhoff, Roeliff, Mansfield, Ohio.
- Bristol, J. J. D., 1 Madison Ave., New York.
- Bronson, J. H., Waterbury, Conn.
- Brooks, Edward, 5971 Drexel Road, Philadelphia.
- Brooks, Noah, Castine, Me.
- Brown, Amos P., 20 E. Penn St., Germantown, Pa.
- Brown, Glenn, 918 F St., Washington, D.C.
- Brown, J. Stanford, 1 Broadway, New York City.
- Brown, John Howard, 378 Boylston St., Boston.
- Brown, Julius L., J. E. Brown Building, Atlanta, Ga.
- Brown, W. L., 42 W. 72d St., New York.
- Bruce, A. C., Atlanta, Ga.
- Brush, Edward N., M.D., Sheppard & Enoch Pratt Hosp., Baltimore.
- *Brush, George de Forest, Dublin, N.H.

- Buchanan, John L., Fayetteville, Ark.
- Buchanan, Joseph R., 45 Park Pl., New York.
- *Buck, Dudley, Mus.D., 34 Sidney Pl., Brooklyn, New York.
- Buel, J. W., 3941 Market St., Philadelphia.
- *Bunce, Wm. Gedney, 21 Woodland St., Hartford, Conn.
- Burdette, Robert G., 891 Orange Grove Ave., Pasadena, Cal.
- Burleigh, C. B., Augusta, Me.
- Burnam, A. R., Frankfort, Ky.
- Burnett, Swan M., M.D., 916 Farragut St., Washington, D.C.
- Burton, Frederick R., Yonkers, N.Y.
- Burton, James, 487 W. 22d St., New York.
- Byford, Henry T., 100 State St., Chicago, Ill.
- Bynum, William P., Jr., Greensboro, N.C.
- Cable, George W., L.H.D., Northampton, Mass.
- Cadwalader, John, 263 S. 4th St., Philadelphia.
- Cadwalader, John L., 40 Wall St., New York.
- Caldwell, Howard W., 511 N. 16th St., Lincoln, Neb.
- Cameron, Hon. John D., Middletown, Pa.
- Camp, W. H., Waterbury, Conn.
- Campbell, R. D., Grand Forks, N.D.
- Canfield, James H., LL.D., Columbia University, New York.
- Carter, Robert I., *Times Star*, Cincinnati, Ohio.
- Case, Theodore S., M.D., 900 W. 15th St., Kansas City, Mo.
- Cawein, Madison J., 1828 W. Market St., Louisville, Ky.
- Chamberlain, Hon. D. H., LL.D., Brookfield, Mass.
- Chamberlain, J. W., M.D., 220 Lowry Arcade, St. Paul, Minn.
- Chambers, P. H., M.D., 24 E. 53d St., New York.
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The following persons were added to the membership of the Association during the winter of 1903-04, and are recorded in this separate alphabetical arrangement for the purpose of convenient reference:—

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NECROLOGY.

At the Forty-fourth Annual Convention, held in the United Charities Building in the city of New York, the following resolution was offered by Dr. Isaac Franklin Russell, and unanimously adopted:—

The American Social Science Association experiences profound regret and deep sorrow at the death of REV. FREDERICK STANLEY ROOT, a useful and honored member, an esteemed friend, a man of sterling character and undeviating integrity, and an efficient and faithful officer.

Mr. Root was born in New Haven, Conn., May 7, 1853, and died on the 18th of January, 1906. He was the son of Lafayette F. and Elizabeth Benham Root. He graduated at the Yale Law School in 1874 and at the Yale Divinity School in 1879. Bowdoin College conferred on him the degree of Master of Arts. In 1880 he married Henrietta Frances Bowditch. He served many years as a Congregational clergyman. In 1894 he resigned from the ministry of the Park Church, Hartford, Conn., to enter the field of general literature and to study social science. He became the General Secretary of this Association, and was an associate member of the National Institute of Art and Letters. He was a member of the Graduates' Club and the Country Club at New Haven. He was the author of several books, including "The Tousled Hair," "What is the Matter with the Church?" and a serial story, "Sanguine Tommy," in the *Chicago Advocate*. He edited six volumes of the *Social Science Journal*, and was for many years a general contributor to the *New York Tribune* and the *New York Evening Post*.

Mr. Root was a sincere student of social science, and especially interested in it on its philosophic side. A former President of the American Social Science Association writes of him as follows: "The aim of his studies was *rerum cognoscere causas*, and, when he thought that he had discovered the cause of any social wrong, he was never content until he had done his best to work out a remedy. He was a man in whom an ardent temperament was sobered and saddened by a deep sense, on the one hand, of the sufferings of humanity, and, on the other, of the inadequacy of our social organization to relieve them effectually."

We, his fellows in the work of the Association, make record of our sorrow at his untimely death, and express our sympathy to his family and others who stood in close personal relations to him.

I. DEPARTMENT OF SOCIAL ECONOMY.

I. THE HUMAN SIDE OF IMMIGRATION.

BY JOHN GRAHAM BROOKS, PRESIDENT OF THE ASSOCIATION.

The study of race migrations has gone far enough to bring out the dominant fact that economic causes are at the heart of these movements. Adventure has played its part, and war (with plunder for its aim) a still greater part, but plunder was the economics of the barbarian, while the lode-star guiding the world's most romantic adventure was the glitter of precious metals. It is even a little chilling to learn how the most gallant of these explorers did not for a moment forget that they were out for "the dust of the gods."

If, for simplicity, we exclude the war element in migrations, we have the main fact that some millions of people yearly change their habitations on the planet wholly for economic reasons. They believe that they can raise the standards of living through migration, and, so far as our own immigration problem is concerned, this is too clear to require proof. If we look at the results of this migration into the United States,—look at it strictly from the human or world point of view,—who would question for an instant that it stands for results that enlarge opportunity and progress? The world has been the gainer. I find many willing to admit this, who still object to our present immigration,—who object to it *as* immigration—and quite apart from specific abuses that we may learn to control. They are restrictionists for the sake of restriction, as men are tariff men, not for revenue, but for the sake of keeping out competing products as a working policy. They say we must consider our own national welfare, and not that of the world.

In so far as our own national well-being does conflict with that of the world at large, the point may be granted. But

all who maintain that the good of the United States does conflict (in respect of migration) with the good of Italy, Sweden, or any other country, ought to furnish far more definite proofs than have thus far been forthcoming. I notice that many opponents of immigration deliberately create the material for their objection. They imagine the devastation caused by the inrush of multitudinous Chinese, for example, but with no whit of knowledge as to whether such hordes would really come. A Chinese scholar long in this country tells me there are absolutely no grounds for these terrors. It is almost too easy to show that these imagined evils of immigration have up to date been mistaken. But, before showing this, look one moment still at the problem from the possible good of the world (or at least of the nations) rather than from the supposed exclusive good of the United States.

Next year a possible 225,000 of these immigrants or children of immigrants may return to their native countries,—most of them on visits, some to stay. A large part of these have been successful. They take back with them, on the whole, what the communities from which they came most need,—the kind of courage, increased efficiency, the enlarged political and social outlook which are making themselves more and more felt. Our immigration not only lightens the struggle for existence steadily and permanently in those countries, but it tends as steadily to raise the standard of living there. As ocean transportation cheapens and develops, these reactions grow in such ratio that they are becoming the most powerful of world influences for good on this larger human side. There are in Europe few more stimulating experiences than to see, as in scores of places in Italy, communities transformed and keyed to a higher standard wholly by the influence of returning emigrants. At thousands of points throughout Europe this influence steadily deepens. In Eastern Europe there are multitudes of debt-burdened peasants set free every year by our immigrants. Mortgages are paid off, old debts cancelled, houses and lands restored. We will here waste no time on that shabby superstition that immigrants who send their money out of the country are no good. Strictly from our own point of view, we get the full equivalent of every dollar they earn. That world-fact is surely to be kept in mind.

If it can be shown that this far-off good is won at the expense of our civilization, that our standards are lowered through and because of benefits to others, we must yield to the first law of self-preservation,—hold fast to our own advantages, though outsiders be excluded.

Before defining my doubts upon this policy of exclusion, it should be said with precision that we are all in agreement on one point; namely, that the unfit should not come. I deal a little later with this term "unfit." Meantime, if it is to be maintained that, barring the unfit, immigration has been and is still immeasurably a greater good than are the evils attaching to it,—good for us as it is good for the world,—to what proofs are we to point? Let me give first not proofs, but extremely suggestive evidence. How much earlier I do not know, but since 1787 we have had an unvarying succession of forebodings as to the coming evils of our immigration. Almost never do they seem really to have come, as feared, but they are always lurking there in the future. I asked several genuine restrictionists among the delegates at the recent Immigration Conference in this city. They agreed that they could point to no observable evil that had arrived, but it certainly *would* arrive if we did not put up the bars. It was admitted that enormous undertakings were everywhere waiting for more labor and were quite dependent upon it. "But think of a million coming in a single year!" Here is the ghost that for a century and a quarter has worked on our imagination. Now my bits of history are certainly worth recalling. A long list of very able foreign observers, French and English, both report local opinions upon immigration and give their own, T. Hamilton, Miss Martineau, Dickens, Tocqueville, Chevalier, Sir Charles Lyell, Marryat among the number.

When 20,000 were coming in a single year, many wise people were alarmed, and for precisely the same reason that people are now alarmed. How could we assimilate such masses? How could the American standard be maintained in the face of these multitudes? Many of them came without their wives: they would send their money back to Europe. Bred under other political and religious systems, how could harmony be long preserved? And so on through the familiar list.

Before the nineteenth century came in, Washington and the Federalists generally were afraid of immigration. In 1812, at the Hartford Convention, many of the ablest men thought we had inhabitants enough of our own. Jefferson was pretty nearly hysterical in his fears of immigration.

Coming down to 1826, when the foreign observers I have mentioned begin to come, there is a successive chronic alarm reported among the most thoughtful people because of this swelling tide of foreigners. "What can we do with 55,000 people a year!" As we look back upon the tempest of savage prejudice in the middle of the century against the Irish and the Catholics,—riots, a convent and two churches burned to the ground,—we feel that the "Know-Nothing" fury was appropriately named.

What prejudice, too, against the Germans who flocked here after the revolution of '48! Would they not subvert the very principles of our government? What a light is thrown on these fears when we look to-day at the German city of Milwaukee and the American city of Philadelphia, not forgetting that such political shame as Milwaukee has had was under an American boss, and not under a German.

In all the earlier years, moreover, there was no effective attempt made to exclude the unfit in any sense. A steady stream of criminals and physically unfit poured into the country, and doubtless brought us much harm, yet the absorbing power of this country had been beyond the wildest calculation. Our immigration, taken as a whole, has been rapidly assimilated, and has probably raised the standard of living rather than lowered it. If exception be made of certain choked conditions in the larger cities, I do not believe that we assimilated our immigrants more easily in those earlier days than we are now doing, for the reason that the number and variety of industries has so enormously increased. Think of the assimilative power of 8,000 industries, as against 300 or 400 industries! Barring again exceptional centres, into which unskilled labor has dropped, our standard of living—wages, hours, and conditions—has been improved by immigration to the present moment,—again, for the plain reason that these new-comers have added so much to that general wealth from which wages are paid.

But, if a million a year are to come, can we continue to use them to the common good? One cannot answer this except by such experience as we have passed through. It should, however, be kept steadily in mind that ocean and railway transportation is so developing that it will more and more act to give automatic relief for congested periods and districts. A half million can now easily leave this country in a single season. This steam traffic will more and more have the same motive to take them away as it has had to bring them, and inducements will be forthcoming. So that many agencies are now at work to strengthen the weakest links in this chain, and this leads us at once into the field where we should find the higher measure of this question,—I mean the whole realm of ideal values that connect themselves with the free and friendly movement that brings foreign races long enough into constant relations to know each other and to tolerate differences.

The supreme world question is that of races learning the highest and most difficult art of civilization, that of living together with good will and intelligence, living together so that they may help each other rather than exploit or despoil each other, because of an outworn surface agriculture and market methods that condemn us to create armies and navies to get rid of surplus products. The United States is helping to solve that problem in the only conceivable way; namely, by giving the races a chance to live together and work together long enough to substitute human and social habits for mere clannish and tribal habits.

What is now the Mother Mischief in our race relationships? Obviously, the shadow of an extremely vulgar ignorance and prejudice, one race against another. Maeterlinck has said it well,—the essence of hell is this misunderstanding. That it raises and maintains hell upon earth, we have more illustrations than we know what to do with. Think of two nations as advanced as England and France living century after century hard by each other, and until the most recent years having merely contempt for each other, the average Englishman thinking that a Frenchman was a kind of monkey with clothes on, and that chiefly because he had a different manner and speech from the English.

By what plummet, then, are we likely to measure the depths of ignorance that separates the white from the yellow races? Japan has really done something to show us the density of our prejudice about a portion of the East. China has doubtless quite as startling surprises for us. An Australian prime minister, who knew the Chinese, opposed their admission into Australia,—*not* because they were a low race, but because of their ability. They are a "superior set of people," he says, belonging "to an old and deep-rooted civilization." We know how wonderful are their powers of imagination, their endurance, and their patient labor." Wherever they have been fairly dealt with in this country, their standards of living very rapidly adjust themselves to those about them.

I am not here arguing for the removal of all race barriers to their incoming, but rather for the overcoming of the more primary evil of our own ignorance,—an ignorance that is probably the main obstacle to the world's civilizing.

As stubborn and unyielding as this race prejudice is, there is probably no agency for its slow removal like that of common work and contact which these migrations offer in the United States.

We are helped a good deal in discussing this problem by first stating and defining certain points of agreement. There is, for example, no dispute over the exclusion of the "unfit." There is, however, not the least agreement as to what this word is to mean in its completer applications. The word now legally applies to idiots, insane, criminals, and epileptics. In 1891 certain specific diseases, like trachoma and favus, were added; but it is clear that the unfit will be made to include a far larger variety of infirmities, until some manageable standard of physical and mental qualifications has been determined upon. If Syrians, Greeks, and Armenians, for instance, bring in a percentage of infirmity (as is true) manyfold greater than northern races, that of itself will enlarge the category of the unfit, precisely as the term "sanitation" has been widened by the choking of city slums by low-class occupants. It is probably assumed by the student and administrator that the extension and defining of the unfit has still largely to be worked out. It is probably further assumed that, in order to make this exclusion effective, agencies must

be devised, like far heavier penalties upon steamship owners for bringing the unfit, and also a definite international understanding, so organized that migrations shall be brought under more conscious control and direction. Professor von Philippovich, an authority on migration, has, indeed, already given this a kind of theoretic statement that so often antedates practical legislation. The beginnings of this exist already in the act of 1903, under which our marine and hospital surgeons are applying much more careful tests in several Canadian towns, in Italy, Japan, and China; and in these latter countries, under definite arrangements with the Pacific Mail Steamship Company, a large percentage of disease, like trachoma, has thus been detected *at the point of departure*. If there be added to this, quite apart from disease, a fair physical test of size and strength, we shall be doing only what many physicians familiar with the work are now demanding. It is thus easily conceivable that this form of restriction and selection might eventually exclude an immensely larger proportion of the anæmic, under-sized, and devitalized, whom we do not wish as propagating types in this country.

Again, it is agreed that the possibilities of distribution away from cities into country areas may be greatly extended. This has passed the theoretic stage, having now a solid basis of experience at a score of promising centres in the South and among the Western fruit-growers.

The still bolder step, under international agreement and organization, of directing migrations with reference to geographic and economic conditions, demand for skilled or unskilled labor, has also its working model within national boundaries, as in the German dealing with *Arbeitslosigkeit*.

There is, indeed, a more sharply defined model still. Canadians, noting that immigrants arriving late in the autumn found difficulty in securing work, and that the Home of Industry and charitable institutions of Montreal were thus overcrowded, have agitated for legislation to restrict immigration between October and March. To broaden the scope of this proposal, and give to it a statistical basis such as industrial bureaus will soon make possible, is the gist of Professor von Philippovich's scheme of a scientifically controlled *Auswanderung* from the world point of view.

On the whole speculative side of this question we are bound to allow for these two future possibilities: (1) an effective exclusion of the really unfit, so organized at selected points of departure, and with such a standard and such penalties as to check the evil at its sources; (2) an international control and direction of these migratory currents, with deliberate reference to local trade demands. That physically and politically we are suffering from the slovenly neglect with which we have met this immigration is clear. This is seen in the whole humiliating history of our naturalization frauds, in staggering burdens of insanity, dependency, pauperism, and certain forms of crime. These are, however, largely traceable to avoidable causes,—to causes that should in future be brought under control, and constitute, indeed, the main problem for the future.

A world energy like that of race migration cannot be tested finally by merely attendant evils. The evils of trade or of democratic government are baffling enough; but we rightly accept the facts of trade and democracy, and understand that we have to cope with them *plus* a swarm of ills.

With these considerations in mind, what is to be our attitude toward the general subject under discussion? That the people on this small globe are to travel with increasing freedom from one part of it to another, we may safely take for granted. That nearly one thousand large ocean ships for human traffic are every moment in process of construction is pretty good evidence that they will be used. The merely physical and pecuniary difficulties of forcing peoples to stay in places from which they wish to escape will every year become more embarrassing and more costly. The old Know-Nothing cry of "America for the Americans," "Canada for the Canadians," is not only already seen to be unwise and impracticable, but, what is more, it is becoming ridiculous.

From the point of view of race education, this human or world side of the problem should have not only increasing attention, it should have the utmost practical weight consistent with safeguarding interests within national bounds.

In one of his final conversations with John Morley, Gladstone is reported to have said that in his sixty years of public

service he had found no principle so safe to trust as the principle of an ever-enlarging social liberty for all.

THE DISCUSSION.

COUNTESS CORA DI BRAZZÀ-SAVORGAN.—I am asked by the President to speak on "The Italian side of the North American Immigration Problem." Three weeks ago we sailed from Naples,—a dark, dusty, unrecognizable Naples. Beneath a brazen sky mottled with brown, purple, and dull red, men, women, and children hurried, refugees fleeing from the Vesuvian villages, still carrying on their heads blanket or pillows to defend themselves from the falling stones of the aroused volcano, and bearing about their persons the marks of suffering and of a hasty, awe-stricken flight. Many were huddled upon village carts and the wagons of the rescuing artillery. They clung convulsively to some poor household chattel, the one remaining bond with the ruined home. In their ignorant fright they refused to be lodged within the barracks and fortresses; for had they not seen roofs crashing beneath the weight of ashes and heard the cries of their buried neighbors, and had not the very market in Naples fallen in, killing or wounding the tradespeople at their stalls? But they were willing to go to the royal palace, wide open to receive them. That surely, like the churches, was under God's protection; and they knew the King loved them and wanted to help them, for with his beautiful Queen he had pressed forward into the hell of darkness and fire where all others feared to go, and together they had stood the rain of scorching stones and had their blood drawn and their eyes burnt by the ashes and cinders.

We embarked on the ship "Romanic" of the White Star Line, which, the captain told me, was short of hands because many of his best sailors were from the Vesuvian shores, and had visited their homes while the ship was in port. At the appointed hour these men had returned, and, weeping, implored him to leave them, for their villages were buried, their families had disappeared, and they would seek for their own, alive or dead. The full emigrant capacity of the "Romanic" is 1,700. We were 150 short, for that number of Greeks, owing to the ashes of Vesuvius reaching across the Mediterranean as far as Montenegro, had been landed at Leghorn and could not join the ship in time, as, the wind having veered, the railway had been buried.

About twenty-five years ago, crossing on a White Star ship to England, I had visited the miserable accommodations offered to the Irish emigrants, and now with the Italian emigration officer, a captain-doctor of the navy, who had touched at many ports in the interests of Italian emigration, I inspected the third-class or emigration quarters on the ship, and admired the improved accommodations, due to the wise laws enacted by foreign governments (especially that of Italy in 1901) for the protection of their out-going citizens. The hospitals for both men and women were excellent. Though too few, the baths and conveniences were sanitary. The employees explained that all this was required by law, as also that the ship

should carry at least one doctor for every five hundred emigrants, and that the Steamship Company was held financially responsible for overcrowding, diminishing the number of cubic feet of air, bedroom and deck space, required for each passenger. The food, which I tasted, was good, and the bill of fare subservient to the religious customs of the people. Most of the passengers lay down or squatted on the deck, so that their clothes were grimy; and the commissioner explained that despite many expostulations, and the presentation of designs for practical folding steerage deck seats, the steamship companies would not introduce them because the law did not exact this, and that every improvement upon the ships is due to the emigration laws of one or another of the nations; for the cargo that brings in the greatest profit to all the lines is the third-class human cargo, and, consequently, the surest means to control emigration is by enacting enlightened laws on the transportation of second and third class passengers.

In emigration as in commercial interchange reciprocity is necessary. The United States laws now require that Europe shall furnish its physically and morally *best* for its immigration market, guaranteed by a passport and a medical certificate. The educational test can be added if desired. But education requires patience, and such a law should only become active after allowing the necessary time to prepare for it. Thus no interruption of the building, digging, and delving which North America's present great period of development requires would occur, owing to a lack of the foreign laborers, men of iron muscle, willing to bear any discomfort and give all their strength for money,—thrifty, sober young men, who may send the guerdon home to support their families, and, when enough besides has been accumulated, generally bring them hither, contributing a physically and morally sound, prolific though ignorant sub-soil upon which to found your national institutions. The illiteracy and ignorance your school system is more than calculated to eliminate in the next generation; and, as the immigrant mass is composed chiefly of young married people and their offspring, what can a decade of ignorance in a one-hundred-and-fiftieth part of your population count for as against the solid qualities furnished by this stratum?

In these last twenty-five years the exchange from American to Italian money has fallen from 30 per cent. premium to par, and we recognize that an equal percentage of Italy's prosperity is due to the American money earned by Italian emigrants as to American pleasure-seekers and art seekers who temporarily inhabit our Italy, and enjoy the same privileges as her citizens. But it is well to remember we treat here of percentages. All nations travel in Italy, and the laborers in Italy emigrate to wherever they are called by scarcity of hands. What is the money you have given to us through the pleasure-seekers compared with the renewed health, the mental breadth, the art beauties, endowed with which these have returned home? What, on the other hand, are the savings, almost the blood money, one might say, which have been wrested from the greed of boarding-house keepers, *padrone*, and so-called bankers, and from the graft of contractors, by the fathers, brothers, or sons, and sent back to their families,

as compared with the buidled railroads which girdle your continent, the magnificent water-works which make your homes luxurious and salubrious, the public and educational institutions in which you take just pride? Let us accept Mr. Graham Brooks's statement that this is a free country, and that the money which goes to Italy is a simple exchange for the Italian brawn and muscle which you have used up here, a just remuneration for that selection you have instituted by law, and any limitation on its use would betray the spirit of your Constitution. If you imported steel to build your bridges, you would have to pay for that steel without requiring the manufacturer to leave its guerdon in the United States. As you have steel, and require instead muscle to build your bridges, you must pay for the muscle, and let its earnings go where its possessor wishes.

You wish to learn why Italy allows its best laboring blood to come to America, and protects, almost assists, it to do so?

The problem which weighs heaviest upon Southern Italy to-day is lack of regular work, further complicated by the rapid multiplication of its inhabitants, the earthquakes in Calabria, the eruption of Vesuvius, the oil fly (destructive of olives throughout the south), the suspension of the Sicilian fruit trade with Russia because of its political disturbances, and the political and financial corruption of Southern Italy, due to the ignorance of the masses resulting from governmental neglect and the indifference of the wealthy descendants of its feudal lords. South Americans have studied the European emigration problem upon the ground, and, in consequence, have taken great pains to foster Italian Immigration of the best type, and have paid for it liberally, assisting financially and by contract their selected immigrants. All Europe has done the same. Nowhere that I know of, save in North America, is there an anti-contract-labor-immigration law. In consequence of the above the pick of Italian emigrants go where encouraged, and you get the Neapolitans, Calabrians, Sicilians, and other Southerners who are not likely to receive offers of assistance in emigrating, yet are desirous of bettering their lot.

Two of the great economic forces in Italy which you ignore are the agricultural woman and child above the age of twelve. While 603,552 men emigrated from Italy in 1905, only 122,779 women and 76,371 children under fifteen years accompanied them, of which but few came to America. This was because as yet your customs do not furnish adequate convenience for the accommodation of foreign women and children of that class, and, as the Italian's family affections are intensely strong, even the most ignorant man will not expose his relatives to the physical discomforts and unhygienic perils which he is prepared to meet personally in obtaining their betterment. Italy is a safe and economic refuge for his dear ones until he can provide a comfortable home for them here. Should he die in the attempt, their relatives or neighbors (*and, lacking both, the town council with the tax money*) would save them from starvation, and see that they were clothed and educated at least as well as he had been. Many of the temporary immigrants of whom American agitators complain only return for a short sojourn to visit their parents in Italy or to bring over their families, for Italians are of a jealous, protective disposition, and will deprive themselves

of the barest necessities so as to save the wherewithal to fetch their women-folk and children. A further American fallacy disproved by Italian statistics is that the majority of our emigrants are simple laborers. Agriculturists, shepherds, foresters, artisans, and artists form the true majority.*

Of the total population in Italy of thirty-three millions, over three millions of women pursue agriculture, and as many more are occupied in the factories. In the north there is average work to occupy the women for 287 days, in which they earn from 15 to 40 cents wages a day (in American money); while their livelihood, with their abstemious habits and neatness of person, requires from 6 to 8 cents a day expenditure. The laws protect them morally and hygienically. They have properly ventilated houses, sufficient floor space, and the factories which employ girls are obliged to furnish dormitories and meals at cost price for those from a distance, a resting-place for all between working hours, and subsidies in certain cases of temporary disability to work. In the extreme south, of the mainland, Calabria, which geographically reaches from the "toe" to the "heel" of Italy, the average working days of the year are 122, the average salary of a woman from 8 to 15 cents, while her health is absolutely disregarded. Her expenses, owing to the earthquakes, amount to 6 or 7 cents a day, so that it is impossible for her to assist any member of her family or even provide for her necessities. By means of the industrial and agricultural schools and the household or cottage industries, for the introduction and development of which I am working, we hope to remedy this condition, and train the Southern Italians, so that they may become better emigrants to the United States, and ameliorate their intellectual and financial condition not so much by increased wages as by augmenting their skill and the number of working days. The booklet which we have compiled upon this Calabrian problem can be obtained from the doorkeeper gratis or by sending 24 cents to the Society for the Protection of Italian Immigrants at 17 Pearl Street, New York. So I will not detain you by speaking longer on this subject, nor will I propose the system of education for the preparation of emigrants, of which Mr. Brooks desires me to treat at another session.

Before closing, however, I will tell you, as he suggested, what are the results of a sojourn in America on the poor Italian who returns to Italy. The influence is, on the whole, beneficent and progressive. Through regular work he gains confidence in his own ability, and a desire to learn the new trades and industries which are better paid and less exhausting. The keen competition which quickly lands the ignorant and indifferent in the hospital and workhouse obliges him in self-defence to seek to understand and follow the laws and local customs. Those who have opportunity to learn the language, for which they have facility, and come in contact with intelligent citizens, acquire frankness, open-handedness, and public-spirited-

* In 1905, out of a total of 649,060 Italian male emigrants more than fifteen years of age, the laborers and hod-carriers, etc., numbered 195,361, or 30.06 per cent. of the entire emigration to all countries. The agriculturists numbered 232,108, equal to 35.71 per cent.; the masons, stone-cutters, brick-makers, etc., 11.53 per cent; the artisans, tradesmen, musicians, artists, teachers, and other professionals, 22.70 per cent.

ness, unless they are already in the hands of labor or political bosses. In America they are generally free from the trammels of family and political feuds, excepting in the crowded foreign quarters of your cities or in such places as Paterson, where the ignorant are easily victimized and converted to pernicious doctrines, owing to the traditions of Austrian and Bourbon rule, under which spies were all-powerful, and honest men, when accused, were punished without appeal. On the whole, when you give them the vote, they try conscientiously *to learn how to vote in the best interests of their class*. It would be wrong for foreigners to believe, despite the prominence given to it, that "Tammany" is the real type of political life in America, and I wish you to judge of possible Italian voters as you would have us judge of your politics. Your night schools are most beneficent, and it would be well could you use special primers for the immigrants, so that, while teaching them the reading and writing and language which they desire, they might acquire also the knowledge of your laws and customs and of the punishment which the breaking of them entails. Your enlightened influence produces a distinct expansion of knowledge and of views of life, and, naturally, your customs induce a better care of the person as rapidly as finances will allow. You are mistaken if you imagine that the Italian laborer in Italy always looks as untidy as in America. Though he works in the field, on account of the climate, in the lightest and oldest of garments, and the farmer there dresses no better than his hired man, on Sundays and holidays self-respect and the vanity of appearing well among his peers cause him to clean up and dress neatly in the style of his community; while here on first arriving, as he knows no one, his whole object is to economize. The home he has left in Southern Italy is often an unglazed hovel in which the only comfort may be the free circulation of air, while in Northern Italy you would be quite willing to sleep in the average Italian laborer's house.

Mr. Brooks desired me further to describe the "Americano"; namely, your immigrant who has returned to Calabria or Sicily to stay there, and tell what he does for the community. He often teaches it to drink, and drink deeply. This is due to your pernicious system of transacting business and hiring laborers in a bar-room: whereas in Italy we have public markets and market-places where they can freely meet each other and wait for employment. He may encourage gambling, as this is generally the only way he found for killing time in the congested lodging-houses of your northern towns during the winter months of enforced idleness, where also his self-respect and the virtues to which it leads may have been destroyed. A preventive measure against the above would be the opening of agricultural schools, with industrial teaching in winter which would equip the masses with accessory crafts, so that the immigrant might occupy himself remuneratively during these months or when a strike obliges his craft to idleness. Then, too, though limited, the remuneration for small industries would pay his living expenses and the earnings of the summer could all serve for the betterment of his family. The Italian has an active brain, and requires continuous occupation and development, as does the child; and his integrity gains or diminishes according to the character of his

employer. The Italian woman emigrating alone loses more than the man. The cigar factory welcomes her, for this is a craft she has learned well at home, or the sweat-shop claims her, for the Italian woman is generally schooled to hand sewing, and useful for "finishing." You know the moral influence of the kind of small shop or factory in the foreign quarter which would employ an immigrant without references. Italian men do not respect the women who work with them in the same room, and everywhere in Europe where Italian women work the sexes are kept separate and special accommodation provided for the girls. Here all are simply "*hands*," hence the great scarcity of Italian women in the United States. However, none return to Italy: marriage or death claims them quickly. Thus you assimilate them all.

The successful "Americano" is a distinct gain to Italy unless morally or politically corrupted. Besides his savings, he brings the knowledge of how to invest them. To his familiarity with the customs and products of his country has been added a knowledge of men, of his own ability, of a certain amount of up-to-date commerce, and in following this he modernizes his community. He is easily elected town counsellor, and his power is great for good or ill.

Lastly, Mr. Brooks wishes me to tell you how the government and patriotic Italians look upon emigration to the United States. They are seeking to abide by the Italian law of 1901 on this subject, and apply it through the Bureau of Emigration, the members of which are named by Parliament. They consider that the stumbling-block in the way of your getting our best people is your law against contract labor. Where those who need imported labor can send their representatives to treat with our authorities, we can both protect the foreign employer, and assist him in selecting his workmen, and protect our Italians against oppression on the part of the employer. Reliable firms or contractors can come into our country and select the class of labor and quality of men or women they desire, provided always that they can prove that it is for legitimate, healthy work, properly remunerated and with proper accommodation for the employed. In certain cases they are required to give bond before they can enroll the workmen, and the bond is only returned when the employed have all declared themselves satisfied. The Bureau of Emigration publishes reports and suggestions whenever necessary. These occupy an allotted portion of the daily papers, just as the public amusements have their particular place, and announce the conditions of the labor market, where labor is to be found, where certain industries or labor in general is over-supplied, what dangers are involved, etc., so as to inform not only the proper authorities who are detailed to look after the emigrants, but the would-be emigrants themselves, as to what opportunities, difficulties, or dangers, lie before them. Wherever conditions are adverse to the laborers, either hygienically or politically, the government forbids and suppresses, if possible, emigration to that region. For instance, despite the offer of the Brazilian government to pay the journey for Italian emigrants to Santos, the Italian government will not allow the steamboat companies to take third-class passengers for that country.

Finally, I desire to impress upon you the fact that the many millions of money brought into Italy through the activity of emigrants are but in part from the United States, and that, even should North America close her doors to the illiterate, laboring Italians, they could find a vast field for their energies elsewhere. Therefore, the immense inpouring of Italians cannot be due to the necessity for Italy to send them here, but is the result of the local propaganda in Italy of your own transportation companies which have established the current of emigration, and give every facility and inducement to the clannish Italians to follow, and rejoin their relatives who have already settled here. As to the money sent back, statistics have proved that the greater part of it is spent on the transportation of fresh emigrants, and goes directly into the pockets of the stockholders of the transportation companies, who are nearly all Americans or Anglo-Saxons. The fulcrum of emigration is cheap transportation, and there you must seek for the defects, and through your steamship companies initiate the remedies.

2. THE IMMIGRATION PROBLEM.

BY LYMAN ABBOTT, D.D., LL.D., EDITOR OF THE "OUTLOOK."

It is at once my good fortune and my ill fortune to follow two such addresses as those to which we have just listened,—my good fortune, because our chairman has treated the subject from the world point of view and the countess from the Italian point of view, and it is therefore quite meet for one ignorant of both these to treat it from the American point of view, and this without any suspicion of unfairness. It is my ill fortune, because they are both in some sense experts, and have made a special study of the subject, while my knowledge is that of a general student. I would hardly have dared speak at all, had the invitation not been expressed as it was. I was requested to speak on the "Immigration Problem," and I will try to show what the problem is and so aid your judgment as to the best policy for its solution.

Broadly speaking, immigration is a great benefit to America. The wealth of the Union does not depend upon its material possessions, but upon the men and women who live in the country and utilize these possessions. This country three centuries ago had the same fertile prairies, the same gold, copper, and coal, the same forests, as now; but the coal and the gold and the copper mines were unopened, the prairies untilled, the forests unfelled, and the rivers unharnessed, and the country furnished but a meagre subsistence to five hundred thousand Indians. To-day it furnishes millions of homes to happy people. Why? There is no more coal, no more gold, no more copper, no more fertile soil, but there are immigrants,—because you will remember that all of us here are descendants of immigrants. It is only a question of a few centuries, more or less. None of us run back more than three centuries, which are but a few years, if you take into account the history of the world. Yes, the prosperity of this Union has depended upon its immigrants.

Moreover, a country needs all sorts and kinds of men to make it prosperous; not only doctors, lawyers, ministers, preachers,

teachers, and captains of industry: it also needs men with strong muscles to work on the prairies and in the forests, men of muscle as well as men of brain, men of industry as well as captains of industry. So, speaking broadly, immigration has been a benefit to the country, and immigration of all sorts of men has been a benefit, and immigration both of brain and of muscle has been a benefit. It is rather a curious fact that about forty-two years ago—I think it was in December, 1863—President Lincoln in a message to Congress urged upon Congress the promotion of immigration. He said that we did not have men enough, and that especially we needed more labor. The benefits are essential, the evils are incidental: let us not forget that. What are these evils? They can all be classified under the three heads Political, Economic, and Hygienic, including under the term “hygienic” both moral and physical hygiene.

It was the political apprehension which gave rise to the Know-Nothing Movement, spoken of by the chairman. Our notion of universal suffrage involved the idea that every man as soon as he landed on this shore should become a voter. But it is perfectly clear that these two questions are quite distinct—Shall we allow men to come here and earn a living? Shall we allow them to come here and become voting citizens of the United States? These are distinct questions. The political evils which come from immigration have not been small. There have been times when ignorant populations, unversed in our methods, unfamiliar with our principles, have controlled the direction of cities and sometimes of States, and, it is believed by eminent men, even of Presidential elections. But the remedy for this can be applied any day,—by the denial of the notion that every man has a right to vote, and a recognition of the principle that suffrage is a privilege or prerogative, not a right—and a prerogative to be earned. The Constitution of the United States provides that no immigrant not fortunate enough to be born in the United States shall become President. That simple fact shows that our Constitution recognizes that we have a right to put some limitations upon the political privileges of the immigrant. All the laws of our States provide that our citizens shall not vote until they reach the age of twenty-one, and generally immigrants cannot vote until they shall have been

here for five years. These laws illustrate—yes, they demonstrate—that we recognize our right to put some guard over the ballot box. What this guard should be I am not sure. It should certainly be a guard not of race or birth, but of qualification and character. But, whether the political evils threatened by foreign immigration to our country are large or small, the remedy is a provision limiting the right of suffrage to those who prove their qualifications.

There are two ways by which that limitation can be imposed. In those Southern States which have recently adopted constitutional provisions limiting suffrage it is provided that the voter shall have a right to vote if he can read and write English, owns \$300 in property, and pays taxes. In other words, if he is intelligent enough to read and write, thrifty enough to earn a little more than he spends, and patriotic enough to pay taxes, he has a right to vote. I do not think he always does vote, but he has the constitutional right to vote. If we want to guard against the political dangers from immigration, the proper method will be to provide that no one shall vote unless he shall be able to read and write, and is the owner of \$300 and pays taxes. Practically, that would be a very difficult proposition to carry into effect, but we might guard the ballot box by the adoption of the full Australian system, without the method allowed in New York State, of permitting an ignorant man to take an adviser into the booth, to show him how to vote. It takes a good deal of intelligence to cast the Massachusetts ballot.

The second peril from immigration is economic. It is supposed that, if we leave our doors wide open, cheap labor comes in to cheapen labor; but will it not also improve the conditions of American labor, and leave to those already here the higher occupations? Undoubtedly, labor has come in, and entered into competition with American labor, and has crowded out American labor; but what has been the result? Has it raised or has it lowered American labor? I can remember when most of the working-women in the factories of Massachusetts were Americans, not French Canadians and others, as at present. The Americans were crowded out; but in what direction were they crowded,—up or down? That makes a difference. Are the American girls wandering around unkempt and

ragged in the streets of Boston? No! They are typewriters, clerks, school-teachers. They have been pushed up. A few years ago the laborers in the coal mines were Welshmen and Irishmen: to-day there is hardly even one. They are Poles and Hungarians. All these have been pushed up, not down. The Welshmen and Irishmen are store-keepers and lawyers, and, if some of them are saloon keepers, economically that is up, though morally it may be down. Upon the whole, the tendency in bringing these people to our shores upon the people of this country has been for their intellectual and moral development.

Immigration would be economically wholly beneficial if we left it to the operation of natural laws; but we do not. We have a law in this country stimulating immigration,—our protective system. That principle, briefly stated, is: "We do not propose to let any one in to sell goods in our market. We make goods for ourselves, and other people shall not come in and sell goods to them." We stimulate manufactures,—that is the object of the system; and, if we stimulate manufactures, we stimulate the demand for labor here; and at the same time, by saying to European factories, "You shall make no goods for us," we lessen the demand for labor in Europe. Thus simultaneously we lower the demand for labor abroad and increase the demand at home. I am not going to discuss this policy. You can guess what my sympathies are: they are with free-trade. But, whether the protective policy is good or bad, it is a stimulation of the demand for immigration, and, recognizing that fact, we have framed the Contract Labor Law. That is, we say to the manufacturer, "Cheap goods shall not come in to compete with your goods." Then to the laborer, "Cheap labor shall not come in to compete with your labor." If we are going to protect the manufacturer, we ought to protect the laborer also: the one is the legitimate corollary of the other.

How far do we succeed? A sentence from the last report of the Immigration Commissioner answers that question:

Such aliens as the officers of the Bureau can show have been induced to come to this country under promise of employment are excluded, if possible. Their number is necessarily small, because the evidence to establish the unlawful inducement to their immigration must be obtained usually from their confes-

sions, and aliens of sufficient capacity to justify the expense and risk of importation are, as a rule, of exceptional intelligence, and have been invariably warned of the necessity of devising plausible stories which prevent the inspectors from ascertaining the truth.

That sounds reasonable. The probabilities sustain it. There is no way known to medical science by which you can stimulate a patient in one part and quiet him in another. You cannot advantageously give him alcohol to excite him and opiates to quiet him. There is no way in which we can stimulate immigration by protection and check it by a Contract Labor Law. Are the economic advantages of the protective system so great that we will take the risk of stimulating immigration along with manufactures. For we cannot possibly maintain the system and not stimulate the demand for labor, nor prevent the workingman from coming over here for higher wages.

The third class of perils incident to unrestricted immigration is the physical and moral perils. Our doors are open, and through the open doors there come in paupers, criminals, diseased persons, insane, and a certain class of men who are not exactly criminals, but who bring with them anarchistic and socialistic theories, and are supposed to be undesirable elements of population. Personally, I do not believe that this undesirable element of our immigrant population would be very considerable if this also were not stimulated. If the doors were left open and there were no interested parties permitted to stimulate immigration, no considerable number of paupers or of criminals, and probably no very considerable proportion of diseased persons, would come to America. But this class is also stimulated. We have been told to-day how the immigration agents of the companies travel through Italy, urging people to come here. Through Germany, Austria, Hungary, Italy, they travel, and these agents are given a commission on all immigrants brought over by the steamship companies. We have some reason to know, in this country, that runners for insurance companies are not exactly scrupulous, and steamship agents likewise are not always scrupulous in their methods. Mr. Sargent, in his last report, gives in some

detail the kind of methods employed to get all sorts and conditions of men to come to this country, and especially the sorts and conditions we do not want. He tells us how diseased persons are sent to the doctor to undergo a temporary treatment, in order that they may be fitted to pass a thorough examination. Sometimes well persons are told they have a disease, in order that they may be sent to the doctor, and the doctor's fees collected of them. I am going to read one paragraph from this report, and I hardly think I need apologize for it, because it is much more important than anything I have said:—

In Marseilles the treatment of trachoma has assumed quite considerable dimensions. Here most of the immigrants from the Orient, from Syria, Armenia, etc., come on their way to the United States. Most of the Orientals report to one Anton Fares, who refers them to a boarding-house. After the usual preliminaries, such as inquiring as to the amount of money in their possessions, their destinations, etc., the immigrants are referred to Dr. Reynault for examination. Those who are found free from contagious diseases are given tickets and at once sent to Havre. As is well known, these races are especially prone to trachoma, and in a large proportion of instances the doctor does discover its presence. These are given by M. Fares the choice of two alternatives, either to go by way of St. Nazaire to Mexico, where Fares claims to have agents who conduct them across the frontier to the United States, which is quite an expensive and dubious process and of late very uncertain, or submit to a course of treatment by Dr. G. Reynault, 20 Boulevard d'Athenée, Marseilles, who claims to have been very successful. A visit any day at 11 A.M. to this doctor's clinic will convince any one that he does a flourishing business. I met more than one hundred emigrants every day I visited his clinic. The charge is one franc for each treatment. Some of these unfortunate patients tell me that they have been under treatment for over two months. The average duration of the treatment, however, is about two weeks, after which they are generally sent to Havre, and thence shipped to New York. Another feature of this so-called treatment, which is, as far as I have observed, peculiar to Marseilles and Fares, is that many healthy emigrants who have no trachoma at all are under treatment for this disease. These are usually individuals who have money. Fares refers such persons to the doctor, who tells them that they have trachoma, but are curable. One franc a day for treatment, three or four francs for board and lodging, for about a month, is extracted from such an unfortunate. When, finally, he is pronounced cured, he is charged more than the usual price for the steamship ticket. Such individuals are, as a rule, never deported for eye diseases, and, believing that they had trachoma, and that Dr. Fares had cured them, and safely passed them through the gates of the United States, are afterwards excellent advertisements among their countrymen for Fares. This man, Fares, is well known to the authorities in France. He has re-

peatedly been under charges for cheating emigrants, and Mr. J. Lespre, Comm. Spéciale des Chemins-de-fer, des Ports et de l'Émigration, Marseilles, told me that he gives him a great deal of trouble and requires vigilant watching. Many of Fares's acts have been brought to the attention of the French Minister of the Interior, and on three occasions it has been decreed to expel him from French territory. I asked Mr. Lespre, the Commissioner of Emigration, how he explained Fares's presence in French territory after the Minister of the Interior had within nine years served three orders of expulsion. "Well, there are certain powers at work: the Steamship Companies need him here," was the answer. In fact, Fares's newspaper *Al Mircad* has a wide circulation in Syria, and is in character a good advertising sheet for emigration to America. He ships about forty to fifty emigrants weekly, and stops at nothing in his dealings with them, and the Steamship companies approve of everything he does. Whenever he is brought in conflict with the emigration authorities, the Compagnie Générale Transatlantique is there to come to his rescue.

This is from one of the official documents by a sub-commissioner in his report to the General Commissioner, and published by authority of the United States. The facts, then, are these: all over Europe, agents are employed to procure men to send to the United States, and even to procure incompetent, diseased, poor, dependent, unintelligent, the very ones likely to become dependent as soon as they get to America. How can we guard against this? How do we guard against it? By examination. Last week seventeen thousand immigrants were received on one night in New York Bay. What possible examination can doctors give to seventeen thousand men, women, and children? Of course, it is impossible to examine them thoroughly when they arrive in such great numbers, and they swamp us. And, though it is possible to examine them at the port of departure, we do not do so. The examination at the port of entry is at times insufficient; and, then, it is unjust, tragically unjust. Last year we sent back twelve thousand, including those allowed to land and then sent back. Of those over seven thousand are called paupers. A pauper is one who has so little money that he is in danger of becoming a charge on the community. A steamboat agent goes to a man in Hungary, and says to him. "Why don't you go to America? You could get good money in America, and make a fortune. It is the land of gold." The man is illiterate and unintelligent. He sells his little property and converts it into cash, goes to the

landing, goes aboard the steamer, comes to this country. When he gets here, having but little more than his passage money, he is stopped, and sent back and dropped on the dock in Europe, money gone, friends gone, property gone, a pauper with all the inclination to work gone. That tragedy is repeated again and again. It is not all our fault, but it is partly our fault. The remedy seems to me to be a perfectly simple one. It has been suggested by the Commissioner of Immigration again and again. Immigration is not new to the United States. All nations at all times, have been desirous of guarding against undesirable immigrants. They have done it by a passport system. You cannot get into Russia or Turkey without a passport. A passport is issued to you before you leave your country. The examination begins here. Why should we not have a passport system, or a system of examination by which no immigrant should be allowed to come aboard a steamer without a passport, without a certificate, without some satisfactory evidence that he is a fit and proper person? Whatever the examination is, it should be first at the point of departure, and not first at the port of entry. The latter should be only supplementary.

In the second place this examination should be conducted under international regulations. It has been dwelt upon by the President of this meeting this evening, and he has shown how ready one nation is to co-operate with us. Italy is already co-operating, so that we get good Italians. It would probably be a perfectly feasible thing, with a little negotiation, to secure international agreement with other nations. We have a postal union, why not an immigration union, which should formulate such joint regulations as might be agreed upon by the different nations, and, to any nation that refused to come in, the United States might say, "You shall land your immigrants on our shores only in the way agreed upon." A first examination at the port of departure, a second at the port of entry, and both with international co-operation, would meet the demands made by moral and physical hygiene.

Our Government ought to make some better provision for the distribution of immigrants when they get here. I see from the Commissioner's report that sixty-eight per cent. of the immigrants who landed here last year stopped in the North Atlantic

States,—in New York, Pennsylvania, New Jersey, Massachusetts, Rhode Island,—sixty-eight per cent. of the foreign immigrants remained in these States, and only thirty-two per cent. distributed themselves throughout the rest of the Union. Speaking broadly, the greatest number stayed where they were not wanted, and the greatest number stayed away from where they were wanted. A Pole or Hungarian lands on our shores. He feels he is in America. He does not know anything about South Dakota. He drops down where landed, if illiterate, and, unless a man of intelligence and enterprise, he stays where he drops or goes where some friend has gone before him. We ought to have some organization, to be under the supervision of the government, not to forcibly expel the immigrant from a particular section, nor compel him to go to another, but one which shall have authority, by advice and counsel, to direct him to the place where he is wanted.

Let me sum it all up. On the whole, immigration is a benefit, and not an evil. The benefits are essential, fundamental; the evils are incidental. In so far as the evils are political, they should be remedied by a guard upon the ballot box, not at the port of entry. In so far as they are economic, they are largely due to our protective system, and must be endured so long as we maintain that system. In so far as they are moral and hygienic, they should be met by some system of examination at the point of departure, with international co-operation. Finally, in so far as they are due to a congestion of immigrants in special localities, the remedy is a system of unenforced distribution of immigrants in this country to the places where they are most wanted.*

* Congress has imposed a fine of \$100 on the steamship companies for every diseased person whom they bring over. It is suggested that they also require the steamship companies to repay to every "dependant" who is refused admission the price of his ticket to America in lieu of a fine, so that, first, they will be interested to examine into financial competency, as they are now interested to examine into physical health; and, second, the returned pauper would not be landed on his native shore an absolute beggar. I believe that governmental inspection abroad would be better than steamship inspection, and I do not agree with those who think it is impracticable to accomplish it by international agreement. But, pending the consideration of such governmental inspection, Congress might at least so extend the present system as to make it the interest of the steamship companies not to bring over the aged, infirm, impecunious, and dependant.

THE DISCUSSION.

MR. ROBERT WATCHORN, COMMISSIONER OF IMMIGRATION.—*Ladies and Gentlemen*,—Earlier in the evening I told your chairman that I came here simply to be an observer and to hear others discuss this subject. But, notwithstanding that, he now insists upon my saying a word or two to you, and, candidly speaking, some of the things I have heard to-night have inclined me to do that very thing.

I shall not traverse the ground that has been gone over here to-night, but I may be permitted to say, very briefly, that there is, undoubtedly, a widespread misunderstanding as to both the cause and the effect of our present volume of immigration, in view of which it is very gratifying to note that so influential a society as this has given such prominence to the subject in its discussions during its present conference.

It would be very difficult for me to identify myself with many of the sentiments expressed by some of the distinguished speakers of this evening, and, in fact, I distinctly dissent from some of the views expressed. Rev. Dr. Abbott, for instance, has pointed out that the remedy (for what is commonly regarded as an evil) lies in the examination of aliens on the other side of the ocean, and the giving of some sort of a passport to those who pass a satisfactory examination, the presumption being that in that case the passports will be given to the right kind only. The question naturally arises, Where on the other side the ocean would this examination take place? If you say it should take place at the homes of the intending emigrants, you will at once see that so many boards of examiners would be required as to make the thing impracticable. And if you say that the examination should take place at the ports of embarkation with a view to reducing the numbers of examiners to a practicable force, then the question arises, What more could such boards of examiners know about the antecedents of immigrants than is known of them at the port of debarkation? If you have the examinations made at the homes, notwithstanding the large numbers of examiners that would be required, what guarantee is there that the passport issued in some village in Russia, for instance, will be carried by the party to whom it was issued through to its destination? Examination at the ports of embarkation is the most practicable thing that has yet been suggested, but I do not agree with Dr. Abbott that the United States government should conduct those examinations, except for medical purposes; and that principle has already been accepted by some foreign governments, and is working out very well, and, no doubt, in course of time will become the generally accepted practice.

The thing to be desired most earnestly now is to prevent the embarkation of people who are obviously within the class of those who are dependent upon others for support and maintenance. There is a much better way to do that than to station United States immigrant inspectors at the various ports in foreign lands. For instance, prior to 1903 the number of diseased persons brought to ports within the United States—persons suffering from a loathsome or contagious disease—was so large as to completely overtax the accommodations the government had provided for

such people, and to produce what amounted to a crisis as to how they could properly be cared for, and yet keep from spreading the diseases to others with whom they were likely to come in contact. In 1903 Congress provided that a fine of \$100 should be imposed on all common carriers for each and every person brought to a port of the United States who was afflicted with a dangerous contagious disease or a loathsome disease. What has been the result? There has been such a decrease in this class of immigration that it is one of the most noticeable features in connection with the administration of the Immigration Law. And not only has the number of such diseased persons decreased enormously, but, in order to be on the safe side and not run the risk of having to pay the fine, and to carry the diseased person back to Europe, the steamship lines—as a matter of self-interest—have appointed skilled physicians, and subject every alien passenger to the strictest possible scrutiny, and, where evidences of these diseases are found, they invariably decline to accept such persons as passengers.

Since the passage of that act more than 50,000 people have been refused passage and have been returned to their homes, and have thus been spared the loss of time and money incident to a fruitless journey to the United States. It does not follow that the whole 50,000 of those rejected were diseased. In many instances, where one member of a family was found to be diseased, it led to the rejection of the whole family, or, rather, the one having been rejected, the other members of the family declined to proceed. I suppose that four-fifths of all those whose names were eliminated from the manifests, by reason of the medical examinations at foreign ports, were prevented from embarking because they were members of families one member of which was found to be diseased.

Now it appears to me that it ought not to take much argument to convince even those who have given the matter but slight consideration that all that is needed to accomplish the desired end in this respect is to amplify that section of the law which imposes a fine for the bringing of diseased persons, so as to include others who are equally as objectionable as those who are diseased. For instance, why should a steamship company be subjected to a fine of \$100 for the bringing of a diseased person, and be absolved from any penalty whatever for the bringing of the insane, the epileptic, the idiotic, the weak-minded, feeble-minded, or those having any form of mental degeneration? In fact, the principle of penalizing common carriers carries with it the very essence of the power to prevent the bringing to these shores of any person or persons whatsoever who may be accounted undesirable.

My distinguished predecessor, ex-Commissioner Williams, deserves the gratitude of his country for having not only suggested this form of legislation, but of having so persistently pressed his point as to have it favorably acted upon by Congress. I think he will agree with me that he did not go quite far enough, but perhaps, if he had attempted to go further at that time, he might have fallen short of the mark, and thus left us without any of the advantages which have since accrued. It appears to me to be our plain, bounden duty to carry the point still further, so as to embrace within

its scope all sorts of undesirables whose defects are susceptible of ascertainment at point of embarkation.

You will recall that the Countess di Brazzà stated that in certain districts of Italy great care is being taken to permit only the proper kind of emigration, and that a sort of committee,—I do not know how it is appointed,—but some sort of a committee passes upon the fitness of persons desiring to emigrate from that locality to foreign lands, and that, therefore, none but the acceptable are permitted to emigrate, I fancy it will come with somewhat of a rude shock to the countess to learn that no less than fifty persons convicted of crimes involving moral turpitude have been rejected at Ellis Island since the first of January, a great proportion of them from the very territory on which this committee sits. All of which will emphasize what I have already stated, that, no matter how they may be sifted and sorted at home, the real test as to fitness to enter can only be satisfactorily applied at our own doors. And I repeat what I have already stated, that the best way to have none but those who can pass whatever standard of test we may adopt is to penalize the steamship lines for bringing any of the other sort.

I presume that even Dr. Abbott will not care who makes the examination abroad so long as it is made, the object being to prevent the arrival here of people who must be subjected to the painful necessity of deportation. It has been my happy privilege to represent the Bureau of Immigration on many occasions, in the making of important investigations in Europe, and of ascertaining the various means of ingress to the United States from foreign contiguous territory; so that I have become very familiar with the little streams of immigration as they start from their various sources and with the great stream as it breaks on our shores; and I do not hesitate to say that, of all the idle, useless policies for any government to pursue, the most useless is that of having the port of New York and one or two other rather important stations splendidly managed, and to pay no heed to the other places of ingress. I undertake to say that prior to 1901 all the work—certainly, the greater portion of it—of the immigrant officials at Baltimore, Philadelphia, New York, and Boston, was absolutely thrown away, for, of the thousands upon thousands of people deported for adequate cause prior to that time, all who desired to, returned via the St. Lawrence route, taking train at Quebec and coming unhindered into the United States. A futile attempt was made to examine passengers at Quebec on behalf of the United States government as far back as 1892, but no attention whatever was paid to the border; and those who were not allowed by the United States officials to proceed to the United States, simply took up a temporary domicile in Canada, and then crossed the border wheresoever and whensoever they might. Not one single case of deportation is recorded at Quebec from 1892—the time of the establishment of that branch of the service—until 1902; and, while the reports of the commissioners-general of Immigration for those ten years clearly indicated that thousands upon thousands of people were deported to Europe from United States ports, the fact remains undisputed and indisputable that all of those who were thus deported who wished to returned via Canada

to us. And, what is more to the point, tens of thousands of people were induced to make their initial trip via Quebec because of the experience of their compatriots, who were compelled to make a second trip in order to reach that point.

In 1901 the Secretary of the Treasury, Hon. Lyman J. Gage, commissioned me to investigate this condition of things, which had become a matter of grievous complaint on the part of the steamship lines doing business at United States ports; and my investigations proved conclusively that their complaints were wholly warranted and justifiable. I was then given a force of approximately two hundred officers and employees, and was instructed to close the border as completely as our own ocean ports are closed to undesirables. This was a tremendous undertaking, but in the course of three years the task was so well accomplished that this stream of undesirables which had formerly gained easy access via the frontier was successfully stemmed, and flowed back on Canada to such an extent as to compel the Dominion to take cognizance of it, and that cognizance resulted in a Dominion Immigration Law framed precisely on the lines of our own Immigration Laws. It will surprise you very much no doubt to learn that this in turn has had such a very serious effect on Great Britain as to compel that country to pass what is called the Aliens' Act, designed to protect England, just as the Canadian Immigration Act is designed to protect the Dominion of Canada.

In the light of these facts what possible doubt can there be that we have the power in our own hands to protect ourselves adequately, and completely, without sending a large force of officers and employees to Europe, whose labors there would be conducive to irritations which would keep the State Department in hot water indefinitely?

The stream, it is true, is voluminous, but, if it is all good, the mere fact that it is voluminous will never injure us. It is a source of great wealth, and ought to be the cause of great rejoicings on the part of the whole people. The institutions of our beloved Republic may be safely trusted to mould and fashion them to the right sort of men and women, which will tend not only to keep this Republic on the ascendency among the nations of the earth, but will place it so pre-eminently first that there will be no well-recognized second.

I thank you very much for this opportunity to contribute in this brief and desultory fashion to your discussions, and to place on record my testimony to the effect that I am not at all apprehensive as to the results of our present immigration policy, when amended as above indicated.

3. THE SIFTING OF IMMIGRANTS.

BY WILLIAM WILLIAMS, FORMER UNITED STATES COMMISSIONER
OF IMMIGRATION AT NEW YORK.

Every speaker on immigration should state at the outset the point of view from which he approaches this vast and difficult subject. That there may be no doubt of mine, I will say that I have as little sympathy with those who would curtail all immigration as I have with those who would admit all intending immigrants, good, bad, or indifferent. I shall waste no time arguing with such as would repeal any of our present laws relating to the excluded classes, for with the exception of contract laborers, whom I will refer to later, such classes obviously include mere scum or refuse, persons whom no country could possibly want. My position may be briefly stated as follows: I am convinced that a certain minority of the present immigration is undesirable, and that, if some means can be found to prevent this undesirable minority from coming here, not only will we be greatly benefited, but we are likely to attract more immigrants of the better kind.

The principal classes now excluded, exclusive of contract laborers, are the following: idiots, insane persons, epileptics, paupers, persons likely to become public charges, persons with loathsome or dangerous contagious diseases, convicted criminals, anarchists, polygamists. A mere reading of this list should suffice to show that our laws could not be less exacting without exposing the country to positive danger. Their strict execution makes it possible to keep out what may be termed the riffraff, or the very worst elements, of Europe. Without them thousands of additional aliens would enter the country every year, of a far lower grade than any now here. But between the manifestly undesirable elements included in the statute and the really desirable immigrant there is a great gulf, to bridge which no legislative attempt has yet been made. To deny the existence of such a gulf is to place one's

self in opposition to the observation of every-day life. I am at this point not concerned with the question whether or not laws can be framed which will correctly describe the class lying between the pauper and the desirable immigrant. I wish merely to emphasize, what must be known to every thinking person, that this class exists, *and that we are making no effort to exclude it.*

It cannot be too often repeated that for several reasons the problem presented by what may be termed the new immigration of recent years is widely different from that presented by the earlier immigration. In considering the problem as it exists to-day, two propositions must constantly be borne in mind.

(1) Most of the immigration proceeds, not as formerly from the northern portion of Europe, but from Italy, Austria, and Russia, and some of it from the poorest and least desirable population of those countries. No one would object to the better classes of Italians, Austrians, and Russians, coming here in large numbers; but the point is that they *do not come* to any great extent. Measured either by intellectual, social, economic, or material standards, the average immigrant of any particular class from these countries is far below the best of his countrymen in that class who remain behind, and probably also below the average. Take the case of Italy, from which country we receive many excellent immigrants. It is generally conceded that the North Italian is a much more desirable immigrant than the South Italian. He is stronger, more enterprising, has laid aside much more property, and is better educated. The percentage of illiteracy amongst the North Italians is about thirteen as against over fifty amongst the South Italians. Yet we receive nearly six times as many of the latter as we do of the former. The solid peasantry of Italy is not coming here to any extent. As for the immigration of a high order which used to come to us from such countries as Germany and the British Isles, it has fallen to a relatively low figure.

(2) The great bulk of the present immigration settles in five or six of the Eastern States, and most of it in the large cities of those States. Out of a total of about 850,000 immigrants in 1903, New York State alone received nearly 240,-

ooo. About 10 per cent. went West, and only 2 per cent. South. About 63 per cent. of last year's immigration settled in the States of New York, Pennsylvania, New Jersey, Connecticut, and Massachusetts, New York State alone receiving over 300,000. The census of 1900 shows that most of the Poles in Illinois were in Chicago, and that most of those in New York State were in New York City and Buffalo. It also shows that of the Italians in Illinois 72 per cent. were in Chicago, and of those in New York State 80 per cent. were in the city of New York. It also shows that 70 per cent. of the Russian Jews congregate in six States, and that of those in New York 93 per cent. were in New York City, with similar percentages in the cases of Chicago and Philadelphia. Other government reports show that South-eastern Europe has furnished three times as many inhabitants as North-western Europe to the slums of Baltimore, nineteen times as many to the slums of New York, twenty times as many to the slums of Chicago, and seventy-one times as many to the slums of Philadelphia. In these same slums the illiteracy of North-western Europe was 25.5 per cent., and that of South-eastern Europe 54.5 per cent., or more than double, while the illiteracy of the native American element in the slums was only 7.4 per cent.

The tendency on the part of so many of the new-comers to locate in the cities is one of the unfortunate and startling features of the present immigration. They resort to them to an extent three times greater than do the native-born, and by so doing accentuate one of the unhealthy phenomena of modern social life,—the abnormal growth of the cities at the expense of the country. Notwithstanding the well-known demand for agricultural labor, particularly in some of the Western and Southern States, thousands of foreigners continue to pour into our cities, declining, partly for physical reasons, to go to the undeveloped parts of our country, as did so many of the settlers from Northern Europe. The fact is that much of to-day's immigration is *not responsive* to such legitimate demands as may exist for the presence here of further people from abroad.

Our present laws (which are very good so far as they go) do not reach a certain minority of immigrants who are gen-

erally undesirable because unintelligent, of low vitality, almost, though not quite, poverty-stricken, able to perform only the cheapest kind of manual labor, desirous of locating almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfitted mentally or morally for good citizenship. It would be quite impossible to state what proportion of present immigration is undesirable or to describe it accurately; but I believe that at least 25 per cent. of the immigrants now necessarily admitted, although they may be able to earn a living, yet are not wanted, and are of no benefit to the country, but are, on the contrary, a detriment, because their presence tends to lower our standards of living and civilization, and, if they were to remain away, they would not be missed except by the transportation companies. I shall describe this as the *undesirable minority* of immigrants. I wish again to emphasize the word "*minority*." Every intelligent person is aware of the fact that large numbers of immigrants of the right kind are coming here, and no one should wish to discourage them in so doing. But, while Europe has a great many desirable people, she also has millions of undesirable ones. Each nation of Europe has its portion of both, and it is most natural that no obstacles should be placed in the way of the latter leaving their respective countries.

The mere fact that immigrants of the undesirable kind are able to earn a livelihood does not of itself prove that they are wanted. Their presence may be, and often is, due to industrial depression abroad. They come here not because we want them (as we do want good farm laborers for the West and South), but because our higher economic level and better conditions attract them. The claim is often made that even these undesirable elements serve a useful purpose, in that they relieve Americans of the necessity of performing certain low-grade work and enable them to fill higher places. This sounds well, but, as applied to the United States at the present time, may be fallacious; for the time has come when such higher places are not always vacant, so that the American laborer may, in effect, be driven out of employment, not driven into higher employment.

If the immediate development of all material resources

were the chief end in view, regardless of political or social effects, then the introduction of low-grade people, merely because they are cheap laborers, could perhaps be justified, but in that event we should admit also the Chinese, who are amongst the most efficient in the world. But it is realized that there are considerations of greater importance than the immediate material development of the country, that our national ideals, institutions, and character cannot be endangered for mere pecuniary gain, and that our own people must not be driven out of employment by compulsory competition with foreigners of unduly low standards.

The permanent effect on our institutions and on our labor market of this new immigration from Italy, Austria, Russia, Syria, and other countries which ten years ago sent us hardly an immigrant, remains yet to be determined. It has been in operation only during the past six or seven years, during which period we have enjoyed great prosperity. Many of these new immigrants are likely not to become assimilated. Furthermore, our population has recently grown very fast, and will in the future be better able than it has been in the past to supply demands for labor of every kind without assistance from abroad. For many reasons the immigration problem of to-day is radically different from what it was twenty years ago. One thing is certain: this increase in population has insured a full quota of poor and ignorant persons to fill our public institutions and schools, reduce wages, and pull down standards of living, without inviting too many of the poor and ignorant of a low class of foreigners to swell the crowd.

How further to curtail immigration of the undesirable kind without interfering with the legitimate commercial demands for further immigration of the right kind is a problem that is puzzling a great many thinking people. The difficulty of its solution is increased by reason of the fact that it is impracticable to legislate directly or discriminate against any race or locality of Europe, as we have done in the case of the Chinese. The least that may be reasonably expected of Congress is that it direct its attention to the following points, and if it were to do so, much of the undesirable element would remain away.

1. We are receiving too many immigrants whose physical condition is poor and who are feeble-minded. The law now specifically excludes idiots, insane persons, epileptics, and those suffering from a loathsome or a dangerous contagious disease. To exclude those suffering from other physical or mental ailments, it is generally necessary first to show that such ailments render them likely to become public charges, and it is not always possible to do this. I think that in all instances in which the surgeons who conduct the medical examination at the Immigrant Stations certify in writing that the physical condition of an immigrant dependent for support upon his own physical exertions is below a certain standard, to be designated by them by some appropriate term, whether this be "low vitality," "poor physique," or some other similar expression, or that he is "feeble-minded," such immigrant should be forthwith excluded, subject to certain reasonable exceptions in the cases of very close relatives of persons who have resided here a given length of time and are shown to be responsible.

2. A large number of immigrants, probably over 50 per cent., now come here because they are assisted to do so. As a rule, that man will be the better immigrant who comes of his own initiative and with his own money. Much has already been written on the evils of assisted immigration. I quote the following from the excellent chapter on this subject in Mayo-Smith's book on immigration:—

During recent years emigration of paupers and poor people from Europe has been assisted in various ways,—by poor-law authorities; by charitable societies and persons; by remittances and prepaid tickets from relatives and friends in this country; and by steamship agents and brokers who have made it a business to induce people to emigrate. . . . When we take all these together, we shall see that a very large percentage of the immigration is stimulated in various ways.

As early as 1891 Congress took cognizance of the fact that assisted immigration was likely to be of an inferior sort by excluding "any person whose ticket or passage is paid for by another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does

not belong to one of the foregoing excluded classes." Unfortunately, the words were added: "But this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes."

These last-quoted words were added as a concession to those who were opposed to the discrimination against assisted immigrants. They have largely resulted in defeating the object sought to be obtained, and the law on the subject of assisted immigration is in an unsatisfactory condition. It should, in my opinion, be so strengthened as to prohibit absolutely all such immigration, subject only to reasonable exceptions in cases of very close and otherwise eligible relatives, such as fathers, mothers, children, brothers and sisters of aliens who have already resided here a sufficient length of time and are shown to be responsible. This last provision is most important. A family from Eastern Europe presents itself for transportation to the United States. It consists of a father (the only bread-winner), a mother, and six small children. After the father has purchased the tickets, there will remain thirty dollars. They are bound for New York or some other large city. If they were to arrive together, they would probably be excluded. But the father comes first, and gains admission. Shortly afterwards the mother and children arrive, almost penniless, and claim the right to land on the ground that the husband is already here, though he is earning barely enough to support himself. Cases of this sort are of frequent occurrence, and prove very troublesome ones for the immigration authorities to deal with. The improper separation of members of a family for the purpose of facilitating admission and the bringing here of large numbers of women and children dependent for support on some one alleged to be in this country are matters which should be made the subject of further regulation.

3. Closely connected with the subject of assisted immigration is that of stimulated immigration. In fact, if these two artificial causes of immigration could be eliminated, the problem would largely take care of itself. Congress in 1891 sought to prevent such stimulation by steamship companies by prohibiting them directly or indirectly to encourage immigration

except by ordinary commercial letters or oral representation "stating the sailing of their vessels and the terms and facilities for transportation therein." While I am aware that there are some who hold that the activities of steamship agents do not begin until the immigrant has made it known that he intends to migrate, yet there is also evidence tending to show that in certain portions of Europe persons either acting as agents of steamship companies or, what amounts to virtually the same thing, receiving commissions upon all tickets sold through their efforts, are actively engaged in drumming up immigration. The official reports contain much proof of these practices which result in people coming here who, if let alone, would not do so, whom we do not want, and who have been deceived as to the ease with which they may prosper in this country. But, with the present inadequate penalties attaching to the offence, this law must virtually remain a dead letter. It should be strengthened materially, and heavy penalties should be imposed for its violation. Of course, such a law can have no effect abroad, but we can reach here the beneficiaries of its violation. I regret that this frequent mention of the word "penalties" is necessary. Experience shows that without them the law is often disregarded. Even in such matters as the carrying of immigrants with loathsome and dangerous contagious diseases many of the steamship companies—to their disgrace, be it said—paid slight heed to the law, so long as the only penalty was deportation of the immigrant. With the advent, however, of the law under which a fine of \$100 might be imposed for each case,—it could properly be increased to \$500,—they bestirred themselves to detect disease as they had never done before, with the result that numerous immigrants are now left in Europe of a class that were formerly brought here only to suffer the hardship of deportation.

4. The right to impose the fine above mentioned of \$100 should not be limited to cases of loathsome or dangerous contagious diseases, but should be extended at least to cases of idiocy and insanity, and, perhaps, to some others.

5. Even with the exercise of the greatest care it cannot be hoped to detect at the time of entry all persons who come in violation of law. The difficulty of the task is increased

through false statements by the immigrant as to his trade or occupation, destination, and the names and condition of his relatives or friends. Congress, therefore, wisely enacted that in certain specific instances aliens who within stated periods are found "to have entered the United States in violation of law" or "who shall be found public charges therein from causes existing prior to landing" shall be deported. What is a "cause existing prior to landing"? The present practice is to consider as such only physical disability certified to exist by a reputable surgeon. It should be possible to send out of the country at the steamship company's expense any person who was *in fact* at the time of landing a pauper or a person likely to become a public charge, even though this fact was not detected at the time of landing. It is also worthy of consideration whether the law should not be so amended as to permit deportation within one year of any one who within this time becomes a public charge from whatever cause. The burdens of our charitable institutions are rapidly increasing through the aliens who become objects of charity. New York State alone expends annually several millions in the support of indigent or helpless aliens. The poverty developing amongst many of them after arrival is far greater than is generally supposed. In an annual report of one of the Charities Societies in New York City we read:—

The hospitals and orphan asylums and other institutions for the relief of the sick, the halt, the blind, the fatherless and the indigent, are not only packed to the utmost, but are obliged to turn away applicants for admission who are worthy and deserving of consideration and of help, merely because of lack of room. . . . Our burdens are being *constantly increased by the thousands who come from Europe every year* to settle in our midst. . . .

And, speaking further of the care of their poor in the city of New York, it is said that this is "*essentially the problem of the immigrant.*"

The mere fact that some of these poor may be cared for by private charity is irrelevant upon the point under discussion.

6. Many agencies are at work abroad to defeat our immi-

gration laws, which we cannot hope to counteract until we establish a competent information service to make continuous investigations in those countries from which we are receiving large numbers of immigrants. It is quite as necessary as is the similar service of the Treasury Department. It would be of peculiar value in securing evidence concerning assistance given to paupers to enable them to leave their country, the sending of recently discharged inmates of insane asylums and penal institutions, the wholesale "coaching" of immigrants, the soliciting of immigrants through steamship agents or runners, the making of contracts in violation of the contract labor law, and many other matters. Such evidence should be forwarded forthwith for use here.

7. The so-called "Passenger Act" regulates the number of persons allowed to be carried and the manner in which they shall be carried and fed. It is good so far as it goes, but it does not go far enough, and undue crowding still exists in the steerage of many steamers. On some the appointments are excellent, and the immigrants treated and fed well. But on others the quarters are congested, and, contrary to the statute, remain filthy during the voyage, while the food is poor and inadequate. Congress should amend the act in necessary particulars; and, in addition, steps should be taken to secure competent evidence of violations thereof as they occur during the voyage, so that adequate penalties may be inflicted. A mere inspection of the vessel after she has reached port is not likely to disclose such evidence, and yet no other kind of inspection is now practicable. The Passenger Act can be made a very useful aid in the regulation of immigration.

8. The "head tax" should be raised from \$2 to at least \$3 or such other reasonable sum as would enable the Immigration Service to carry on its important and increasing work unembarrassed by pecuniary considerations, and without additional expense to the government.

Lack of space prevents a full discussion of other remedies available to curtail undesirable immigration. Of the illiteracy test it may, perhaps, be rightly said that *per se* it is not a good one, because a man may be a good immigrant and have the making of a good citizen, though he cannot read or write.

But, if other proposed methods fail to provide an adequate remedy against the undesirable immigration from Southern and Eastern Europe, a situation will be created which will warrant the establishment of this test; for it so happens that large numbers of the immigrants from these regions, undesirable for other reasons, are also illiterate.

The work of inspecting, passing, and rejecting immigrants, as performed at Ellis Island and other immigrant stations, can never be performed abroad either by our consuls or any other government officials. It is true that at Naples American surgeons are doing excellent work in recommending to the steamship companies the rejection of immigrants with certain diseases, particularly trachoma. This is work which should and could be done by the steamship companies, and which it is quite within our power to compel them to do. But it is one thing for a surgeon to detect a well-known disease, and quite another thing for inspectors to apply the indefinite test of "likely to become a public charge." A majority of the exclusions occur because immigrants do not measure up to this test,—a fact which under the law must be determined not by a single inspector, but by what is known as a Board of Special Inquiry, from whose decision an appeal lies to Washington. The work of such a board is extremely difficult, and there are many reasons why it could not sit in European ports. But this is not necessary. The steamship companies have their own inspection, which is lax or severe, according as our laws are laxly or severely administered on this side, and, with additional information placed through an information service in the hands of the American authorities, there would be fewer violations of law in respect of matters with which we are now unable properly to deal. The suggestion that all improper immigrants should be stopped by our government on the other side sounds well, but, as a matter of practice, this will never be possible.

I shall be asked, Would not statutes enacted on some of the lines suggested be difficult of execution? My answer is yes, but no more so than are certain features of existing law, particularly the requirement that every person "likely to become a public charge" be excluded. Here is an indefinite test to apply which correctly is constantly taxing the

judgment and skill of a large corps of able and conscientious officials. Yet this provision will always remain in the law, as it should, and has been adopted by other countries as one of the most available and important tests to be applied to immigrants. The fact is that the execution of any immigration law is, and always will be, a far more serious and intricate task than most people realize. Additional safeguards should not be refused merely because their application is surrounded with difficulty. It will be less difficult for the marine hospital surgeons to determine whether or not an immigrant is afflicted with low vitality or poor physique than it is for the inspectors to say whether or not he is likely to become a public charge. In connection with assisted immigration it is incidentally to be remembered that much of it originates here in the form of so-called "prepaid tickets." As for the offence of stimulating immigration, if this be carried on in portions of Europe as openly as is reported to be the case, then with the aid of a proper information service evidence could readily be secured which would lead to the imposition of fines upon the guilty companies. It must be remembered that most of the companies represent foreign capital, and are directed by foreigners residing abroad. It is not to be expected that they will be over-zealous in assisting our government to execute laws opposed to their commercial interests. At any rate, the fact is that at least some of them appear to close their eyes to conditions which our government has no difficulty in detecting every time it causes an investigation to be made abroad.

Much misapprehension exists as to the contract labor law because it is popularly associated exclusively with the interests of labor organizations. This, however, is not the case. In its essential though not in all of its minor features it must be regarded as a wise form of legislation, particularly in so far as it prevents the introduction by powerful interests of cheap manual labor under promise of employment at unduly low wages or to fill temporary needs at the expense of American labor. It is difficult enough, as matters stand, to determine who is and who is not likely to become a public charge. It would be far more difficult to do this if persons could be heard to say that the immigrant must be admitted because

they had already hired him, so that he could not become a public charge, though the wages might prove to be inadequate and the employment only temporary. This is not the place to discuss fully the contract labor law. The fact is not generally known that it contains a number of important exemptions. Skilled labor may be imported under contract if labor of like kind unemployed cannot be found here; and it does not apply to artists, members of learned professions, or personal servants. The States and Territories may advertise freely the inducements they may think they offer for immigration. It might profitably be further liberalized so as to permit the importation of certain kinds of farm labor so much needed (and not obtainable amongst the present immigrants) in the West and South, such importation to be permitted only under proper safeguards and with the approval previously obtained of the Secretary of Commerce and Labor.

A prejudice exists against the contract labor law because it is supposed to be of assistance to strikers who use violence in preventing others to fill their places. The remedy for this vicious practice is not to permit employers to import more foreigners for temporary service, but to put such strikers using violence in jail, and afford ample protection to those who may wish to take their places.

A word as to the proposed distribution of immigrants throughout the country districts. It is devoutly to be hoped that it will succeed; but there are grave doubts that it will ever be more than partially successful. It is, however, already being exploited by some as a panacea for all immigration evils, although it is still largely in the experimental stage. Several years must elapse before it will be possible to pass judgment upon it, even as a solution of the problem of the congestion in tenements due to immigrants *now here*. But even if it should succeed as to the latter, yet it will not solve the problem of future immigration, assuming that this will continue to crowd into the cities. There is little use in artificially creating a vacancy in the tenements only to have it filled again twice over upon the arrival of the next steamer from Southern Europe. Let us be frank and sincere, and come out in the open in the discussion of these questions. Are we talking about the best interests of the people of the United

States or those of the lower grades of people of Europe and the transportation companies? I plead guilty to the charge that I am looking only to the former, and I insist that we should cut off the supply of those we do not want, and not intensify our already difficult social and municipal problems by heralding abroad the fact that we are actually making room for more of them in our slums through the removal of their predecessors.

The most important effects of immigration are the racial effects. They constitute a question not between the citizens and immigrants of to-day, but between the children and grandchildren of both. With this question I do not attempt to deal, except to call attention to its grave importance. We owe our present civilization and standing amongst nations chiefly to people of a type widely different from that of those now coming here in such numbers. The wildest enthusiast on the subject of unrestricted immigration would hardly claim that the United States could be socially, politically, or industrially what it is to-day, had it been peopled exclusively by the races of Russia, Austria, and Southern Italy, and particularly from the poorer elements of such races, which races, furthermore, have failed to place their own countries in the front rank of nations. The probable effect on the future of this country of the millions of further immigrants representing these elements who are sure to come here during the next few years, if permitted to do so, should be made the subject of exhaustive scientific research, which might or might not show that, to maintain our institutions and standards of civilization substantially as they are, it will be necessary to limit this new immigration in some manner far more radical than any hereinbefore suggested.

The subject of the naturalization frauds perpetrated by some immigrants is not a pleasant one to discuss. Naturalization certificates are issued to-day on such proof and in such different forms as may best suit the various courts in each State which are authorized to grant them. Not to mention the fraudulent proof presented in many instances, the lack of uniformity in the certificates is so great as to render it difficult for any but an expert to determine whether or not they are genuine. Their issue is surrounded by none of the pre-

cautions which are taken in respect of the issue of many papers of far less value. As a result, evidences of American citizenship are now sold both here and abroad with more or less impunity at about ten dollars each, and bogus citizens are manufactured at less than it costs to buy a good suit of clothes. Legislation could readily be enacted which would put a stop to these practices. It is not creditable to us as a people or to our representatives in Congress that this has not been done long ago. It is bad enough that we allow persons unfitted mentally or morally for good citizenship to acquire, even by legal means, this privilege, so often spoken of as "priceless." Our cynical indifference to some matters of the highest importance is nowhere better shown than in our complacent acquiescence in the purchase and sale of this privilege at a price which brings it within reach of the poorest foreigner.

It was not the purpose of this paper to discuss the great benefits we have derived from the good immigration which has come to us in such large measure. They are conceded by all fair-minded persons, and do not require to be emphasized. Similar benefits can, if we will, be secured for the future; and I know of no better way to accomplish this than by closing our doors to all undesirable classes of the Old World, and not merely to the diseased, the insane, the criminals, the paupers, and a few other degraded elements. Charity begins at home. This is particularly true as regards national matters, and, however deep our sympathy may be for the oppressed of other countries, it should not stand in the way of our legislating primarily in the interest of our own people.

4. ENCOURAGING IMMIGRATION TO THE SOUTH.

BY RAYMOND L. GRIFFISS, PRESIDENT OF THE SOUTHERN
IMMIGRATION SOCIETY, NEW YORK CITY.

In a recent article published in the *Chattanooga (Tenn.) News* I dealt with the problem of securing immigrants, and in this paper my ideas for the practical distribution and assimilation of small parties through well-defined channels are set forth.

The South needs good people, wants them, and will have them; but, in order to secure the right kind of home-seekers and industrial investors, it is necessary to proceed along strictly honest, conservative business lines, and, while many discouragements will, undoubtedly, be encountered, they must be expected, and grappled with confidence.

PRACTICAL METHODS.

It is one thing to interest people in a territory, and another to get them to inspect, and still another to persuade them to invest their money and take up lands themselves.

Good agents, well equipped with accurate descriptions and a thorough knowledge of the existing conditions, with the hearty and sympathetic co-operation of the department or corporation, will be able to interest the desired people, at least to the extent of inspection. Much, then, will depend upon how the people are handled; and here, also, a man of character and magnetism is essential to success. Agents who are capable of carrying a man through and permanently settling him are hard to find.

Mr. Jacob A. Riis, one of President Roosevelt's friends, writing to me under date of Dec. 19, 1903, says in part as follows:—

I have your letter, and would like to be able to help you, for I think that in "Northern immigration of a high standard" lies the road of the South out of many of its present troubles.

Of course there are two sides to this, as well as to everything else in the world. The South needs the immigrants. The immigrants, on the other hand, want a free field and no favor. They must not be mistaken for an inferior class, who can be dealt with on the same basis as much of the present labor in the South. Given a fair opportunity, as man with man, I think they will give the South in turn an opportunity which it needs above all other things. But that is a necessary condition.

Faithfully yours,

JACOB A. RIIS.

The successful encouragement of immigrant laborers and home-seekers from foreign shores to the South has been called a problem. I rather view it from a business standpoint. An important fact to remember in this connection is that foreigners of all classes have the utmost confidence and respect for State government departments of any and all kinds, and that they will hear such a call long before they will heed the glaring and persuasive circulars of immigration companies.

SOUTHERN ASSOCIATIONS.

One trouble with the immigration associations and State immigration departments of the South, I regret to say, is that the men who are at the head of many, but not all of these institutions, are men ill-fitted in many ways to conduct so difficult and important a work. The legislatures and individual organizations of the South should realize the importance of placing men at the head of such associations who are not only adapted to the work, but who are specially qualified.

It is not my intention to criticise any individual or organization; but those who are aware of the true situation in the South to-day will agree with me, I think, that, if the money that is being spent to encourage immigration to the South was more judiciously spent by good, experienced, active business men, a great deal more could be and would be accomplished than is being accomplished to-day. Every man of the South should take a personal interest in the work that has been inaugurated in his State, and should see that proper foundations for bringing desirable immigrants are laid; but each individual association seems to be pulling against the

other. Co-operation of all, to a certain extent, is practical and important, and should not be overlooked.

Experienced industrial men agree that a reliable, active business man, capable of handling men, who is acquainted with the customs, wants, and requirements of foreigners, and who is willing to devote his energies toward securing the right people for his State, is essential to head a State immigration department or organization, interested in directing immigration.

ADVERTISING.

The painting in advertising matter of glowing pictures with fantastic language makes charming reading for hospital patients, nature-lovers, and dreamers; but for the practical and economical home-seeker it is of no use absolutely. He looks upon such with suspicion, often with disgust. In describing actual conditions, such as soil, markets, price of land, healthfulness of climate, railroad facilities, distance to market, and so forth, all facts should be clearly and accurately set forth without unnecessary comment.

TREATMENT OF IMMIGRANT.

The immigrant, once interested, must be carefully directed; and this part of the agents' work is quite important, as promises theretofore made are to be kept and all statements verified, if satisfaction is to be the result. Kindness here and there will make matters easier. A cordial reception to new-comers always pays; but do not make them feel under any obligation for the common courtesies extended, as they usually ask no favor.

The main object is to make each individual feel that he is in the hands of responsible, reliable, and conscientious men, who have his interests at heart as well as their State's. This is hard to do on account of the vague ideas, queer notions, superstitions, and suspicions that are in the heads of each and every foreigner concerning the conditions existing in this country.

A reputation for kind and frank treatment will, however,

be worth more to an immigration organization than any amount of paid advertising, for one satisfied immigrant will attract from five to fifty others. This makes it important for a State department to depend absolutely upon its own force of carefully selected, well-trained men, whose duty it should be to select only the best class of people. There should be no politics in the selection of these men. They should be especially trained for each branch of the work; and one of their first qualifications should be an intimate knowledge of the soils, climate, and general conditions of the territory for which they are to solicit.

RUSSIAN COLONY.

The Russian colony, located near Aiken, S.C., by the society, in conjunction with the South Carolina Department of Immigration, now comprises a number of families of a high class. They are intelligent Russian farmers, and will make good citizens. Many of them are well-to-do scientific farmers with years of experience in the old country. They have purchased two thousand two hundred acres of land, incorporated their association, and demonstrated the advantages of co-operative farming. Their little village has been christened "Happyville," and it is their intention to attract several hundred of their friends from Russia; and, from the progressive way in which they have started, success will, undoubtedly, crown their efforts. President Weintraub, writing me under date of April 21, says that they have three hundred acres under cultivation, and are all happy and well satisfied.

NEWBERRY COLONY.

A colony of Russians of the same high character has been settled near the city of Newberry, S.C., on the Southern Railroad, quite recently; and they also have gone to work in a business-like manner, which assures success.

Still another party of Russians of high intelligence have selected a large tract of land near Newberry, on the Southern Railroad, upon which to locate fifteen hundred of their people. All arrangements are complete for two representatives to start

to work at once, the other returning to Russia, and start the work of transposing a Russian village to Newberry, S.C.

Five fine-looking, intelligent Russians, representing sixty families now in New York, are touring the South, accompanied by the society's Polish representative, for the purpose of selecting five thousand acres upon which to locate their people.

Commissioner Robert Watchorn, in writing to me under date of Dec. 26, 1905, says in part, as follows:—

The best way to obtain good immigrants is to give them indubitable proof of the opportunity to improve their condition. It is the desire for self-improvement that induces people to migrate. Pamphlets, no matter how attractively written or however successfully distributed, are not calculated to induce any successful person to drop the substances he has for that which may, after all, prove but a shadow to him. People who are industrious, thrifty, and successful are not people to be lightly coaxed into giving up a reasonably sure thing. What they need is some definite and reliable assurance that a better thing than that which they have awaits them elsewhere, and it is there that they will go.

Quoting from the last paragraph of the Commissioner's letter:—

You have probably read the old tale which contains this couplet, "Millions of hands want acres, and millions of acres need hands," and you will, no doubt, agree with me that it depicts clearly the situation which exists to-day and which, no doubt, existed at the time it was written. Your plan to bring these two together, and thus relieve both, is worthy of the best efforts of your great State, and I wish you every success in your undertaking. With the compliments of the season, I am,

Very truly yours,

ROBERT WATCHORN, *Commissioner*.

It is quite evident that the Commissioner thoroughly understands the situation, and he makes a further suggestion in his letter of December 26, as follows:—

Therefore, in order to direct the right kind of people to the South some public or private offer must first be made. Help must be given after the fashion that the provinces of Canada, and even the Dominion itself, has offered aid to the settlers. Pick out a thoroughly representative family of hard workers.

Offer them a farm on which a house has been erected and the necessary stock, implements, and seed have been supplied, and, if need be, furnish a teacher for a year, and let the family pay back the investment on reasonable terms out of the earnings. When such a settler can truthfully advise his friends and relatives that he is the manager of the place, and that net returns more than justify the expenditure of the time and labor, he will become a nucleus around which a desirable influx will be drawn. It costs money to be practical, but no other effort, so far as I know, ever did very much to justify the making of it.

The plan suggested by the Commissioner to the writer was tried several years ago and recently with some success. It proved, among other things, the importance of having a thorough understanding at the start when dealing with foreigners. Italians, Greeks, Hungarians, and Jews are the most likely to succeed under such a plan. Other nationalities, such as the German, Swede, Pole, English, and French, will do better if simply aided in a business way, when surrounded by their own people.

In the fall of 1905 a family of Germans, thirty years' residents of Long Island, who were known for their skill in gardening, were sent to South Carolina to take up a tract of land on the share-crop basis. These people had been used to good living, but through some misfortune lost everything. Shortly after arrival they communicated with me, and stated that they had been placed on a worn-out, dilapidated, wild farm, where they were under the supervision of an ex-slave driver of low intelligence. Their house was extremely poor, and the rations assigned them consisted of corn-meal and common salt pork,—plantation rations for common negro laborers. The tract of land assigned them to cultivate was covered with a heavy undergrowth of shrubs. A small mule and wagon was placed at their disposal, and in the heart of this wilderness, miles from a post-office, they set to work. In a short time the entire family fell sick. Notwithstanding the fact that they were disappointed, they remained, and each agreed that the country was beautiful and undoubtedly capable of producing good crops.

In May, 1905, a stalwart young Hungarian and his pretty wife were sent by the society to Cole City, Ga., where the

husband secured employment. In September I visited Cole City for the purpose of interviewing several families that we had sent down months previous, and, to my satisfaction and delight, found each family well housed and perfectly satisfied. Some had pretty flower gardens around their houses, others cabbage patches, but all showed contentment, evidently due to kind and liberal treatment. This particular family had sent for all their relations, ten in number, and spoke in proud terms of their new home. So much for proper treatment. This company will not have to seek people in the future. Immigrants will seek the company.

ENCOURAGING FOREIGN LABORERS TO THE SOUTH.

My reasons for advising against attempting to encourage even the laboring class of foreigners through employment agents of the large cities are stated at length in my article of July 7 in the *Chattanooga News*; but again let me warn all interested to shun these unreliable, untrustworthy plunderers, and say that there is hardly one with whom I would attempt to co-operate for any purpose, and this statement is made after having dealt with many of them, good and bad. Several good men have recently gone into the business, however, and, if they remain and are supported, good should result.

If facilities, such as a good, reasonable, yet comfortable lodging-house and employment agency were provided in the capital of the State in which immigrants are to be distributed, and care used to prevent any one from coming in contact with new arrivals except those who are legitimately interested, it would facilitate matters materially; but such work requires care, unlimited patience and experience.

The placing of laborers with individual companies and farmers is, in reality, a task and a difficult one, even when carefully conducted. The seeming ignorance on the part of employers of labor concerning the habits, customs, and needs of foreign laborers, and the failure to understand and treat them as their nature and character demands, is one difficulty that can eventually be overcome. Many immigrants have very vague ideas of the obligations due the employer, and often this is a source of great trouble. The large companies, however,

who employ hundreds all the year round seem to avoid trouble, due possibly to their intimate knowledge of the average foreign laborer. They also realize the importance of living up to their contracts,—a point often entirely overlooked by the small employer, who does not understand how to handle white laborers. Many have confessed their inability to do so to me, giving their reasons.

In many sections of the South, strange to say, according to a South Carolina bank president, writing me under date of Feb. 2, 1906, "The people are violently opposed to the introduction of foreign or white labor of any kind." This feeling, however, exists among the "boss" class principally. The "boss" does not want his laborers to become land-owners, for, as soon as they do, they become his equals and competitors. This naturally causes a great deal of rivalry. Then there is a certain amount of prejudice against foreigners among a certain class, largely due to the custom of many such laborers working so many months in a year and returning to their own country; but, as a matter of fact, many of them eventually become land-owners and good citizens.

DISTRIBUTION.

The following methods for placing laborers and share farmers have been suggested by me from time to time to State Departments: Upon receiving an application from a farmer for immigrants either to work or to take up a share proposition or otherwise, have him fill out an application blank, giving his situation financially, his religion, experience in handling foreigners, his views on the subject, and any other information that might be necessary, together with detailed statement in reference to proposition he has to offer the immigrant. This application is then taken up by the department's agent, personally investigated, and a suitable party sent to the farmer. Soon each farmer in the State would be known, and this information would aid materially in preventing dissatisfaction. In the mean time he is sent literature setting forth the habits of the different nationalities, their needs, customs, how they should be treated and cared for. On the other hand, the immigrant is acquainted,

as far as possible, with the true state of affairs, given the conditions, and told that he will be held strictly to account if he accepts the terms of the offer. This has proved not only practical, but extremely successful, where good people have come together. The South Carolina Department of Immigration attempted to operate along similar lines with some success.

The old literature methods are still clung to, however, and the practical work is necessarily neglected for one reason and another by many organizations. Politics, lack of funds, fear of offending some intelligent, well-meaning resident who has made a round trip to Liverpool, seem to be sufficient excuse to avoid practical and inexpensive methods.

EXTRACTS FROM A CIRCULAR SENT TO INDIVIDUAL FARMERS
BY THE SOUTHERN IMMIGRATION SOCIETY OF NO. 15
BROAD STREET, NEW YORK CITY, FOR THE PURPOSE OF
ENLIGHTENING PROSPECTIVE EMPLOYERS OF FOREIGN
LABOR.

Many of the foreign peasants are somewhat inclined to be childlike in their superstitions and modes of thought. They are cautious, much attached to the soil, timid, often immoral and grossly ignorant. Hence care in selection is most difficult, and a perfect knowledge of human nature and local conditions of great value.

From the very first see that these people are handled by experienced men, who take an interest in their welfare and who are working for more than their salary. Insist upon kind and wise treatment, and, until the men are acquainted with their surroundings, explain minutely the work to be performed by them. Acquaint them with the opportunities that exist, and give them a chance to buy a home and improve their condition. Let this kindness be shown in a practical and demonstrative way from the start, but do not try the methods used on the sloven negro, for these men will not stand cursing and beating, and these laborers will soon gather their families around them and become good citizens and owners of a small farm or good tenants.

If you believe in this advice, and wish to get close to your men, strive to understand their ways of thinking and working, and do not insist at first, at least, upon their accepting your methods absolutely. Let them gradually work out and learn for themselves the value and advantage of your way.

A large planter who took our advice, and met a party of laborers at the train on a hot day with a case of beer on his wagon, won their hearts from the first, and out of thirty laborers never lost a man or had a complaint. So much for practical and demonstrative kindness, which to these suspicious people means much more than you can imagine.

These strangers in a strange land are white men with souls and feelings, but they are suspicious, superstitious, timid, and easily frightened, and we suggest that their characteristics be studied. They will do their best to understand you. Strive to satisfy them, and they will strive to satisfy you and become faithful employees. Place men of their own nationality over them at first, and note the advantage of understanding them.

Money, remember, is the mission of most foreigners, and do not forget that important fact, also remember that they want to see it as often as possible, and that all contracts made for the payment of same must be kept to the day and hour.

When practical, encourage gardening during leisure hours, for they all have been accustomed to such in the old country. Permit the men to board with a family of their own nationality, in order that proper food can be provided for them at reasonable cost. Most of these people, notwithstanding their state of poverty, have been fairly well housed in their native land. Hence they should be well taken care of, and as soon as possible arrangements should be made for them to buy their homes on reasonable and long terms. It is customary in many countries of Europe to allow from fourteen to twenty-one years for payment, the same to be paid as rent. No commissaries should exist, if entire satisfaction is to result, as the foreigner is not accustomed to purchase at commissaries.

A great majority of European mills, factories, plants, and industries have apothecaries on the premises, where the disabled and sick receive free treatment, and, as a rule, all hands receive, during their sickness and disability, one-half of their wages, and the permanently hurt, pensions. The heirs of the laborers, who have been killed in the performance of their duty, receive for life a large or small percentage of the deceased's wages or a life pension of some sort.

CHARACTERISTICS.

For instance, the POLISH laborer is an earnest, plodding, willing, patient, faithful worker, timid in the presence of his superiors, excellent farmer, miner, railroad worker, or lumberman.

The SWISS peasants are the most cheerful workers. Very fond

of amusements. Anxious to improve their conditions and the opportunities of their children. Excellent farmers and tradespeople. Make good clerks and servants. The Swiss employer takes special care of their health and assists them in many ways.

The ITALIAN is quick, strong, stern, and hard-working. Excellent laborer for any sort of work. Many times ignorant, and a little quarrelsome.

The FINNISH laborer is the most excellent laborer that comes to this country. Seldom will you find one who cannot read or write. They are sturdy, hard-working, and willing people, who are anxious to learn, sharp and watchful for an opportunity to improve their condition. Are capable of working in any climate. Are not very religious. Not very excitable.

The Finnish laborer lives on brown bread, dry fish, and potatoes.

The Swiss peasant's mid-day meal consists of bread, cheese, a glass of beer or wine. Dinner consists of soup, seldom meat, but almost always a dish prepared of flour, which is eaten at about four o'clock in the afternoon. Beer and bread are taken with this.

The Italian partakes of macaroni, rice, or vegetable soup, made of garlic and onions, fried in oil or grease, and called *suffritto*. Over this hot water is poured, which makes a broth. Macaroni and rice, beans and bread, or vegetables, are put in for thickening. This constitutes their mid-day meal. Their evening meal consists of soup, bread, salad, or vegetables made into salad or boiled. *Polenta* is also a favorite dish with the Italian peasant. This is a kind of mush. Macaroni is the staple article of food in Central and Southern Italy.

It is quite necessary that food for the different nationalities be prepared by a native cook, for, if they do not get the food that they have been accustomed to, dissatisfaction will soon result. It is a well-known and undisputed fact that the way to win a man is through his stomach.

WHAT SOME ARE DOING.

The Immigration and Industrial Association of Alabama, supported by the railroads of that State, has acted promptly

and wisely, and now has a New York office. Frank V. Evans, ex-mayor of Birmingham, is in charge of work in the East.

The importance of continuing the work started in this community by the South Carolina Department of Immigration was not recognized by the Commissioner, and all work that had been well started at little expense to his department was given up, and is now being carried on by the Southern Immigration Society in close co-operation and accord with the State Department.

The Louisiana State Department of Immigration is now negotiating for a representative in this territory, and plans to open an office in this city for the purpose of getting in touch with home-seekers, investors, industrial enterprises, and laborers.

The Southern Railroad long ago took advantage of the opportunities offered for successful work in this territory, and has for years maintained a well-equipped office, with a competent force, in this city. But the magnificent work being done by Mr. M. V. Richards needs no comment here, as it has long spoken for itself. Many other railroads are doing similar work in this territory, and a number of individual organizations are looking into the situation with a view of locating an office here. The field is a magnificent one, and, if properly worked, will net good returns, and we who are interested in turning the tide southward earnestly hope it will be widely recognized and diligently worked by Southern State Departments and Immigration Associations.

5. RAILROADS AND THE IMMIGRANT.

BY L. J. ELLIS, EASTERN PASSENGER AGENT, NORFOLK AND
WESTERN RAILWAY.

Lest the fact that I am put down in the program as a passenger agent lead to the inference that I speak representing the sentiment of railroad men, I desire to state that in what I have to say concerning immigration I speak as a citizen only, having some familiarity with the two related subjects, Railroads and Immigration. I do not feel that I have any right to attempt to voice the opinion or conclusions of railroad men. There is a wide difference of opinion among them on the immigration question. If there is any sentiment on this question common to all or the majority, it has not crystallized, so far as I know. They have no immigration propaganda. It is the general belief with the public that the railroads of this country have resorted to the most extreme methods to stimulate European immigration. They have not. They have stimulated immigration by low rates, giving as low a rate as two cents a mile and sometimes a fraction less. This low rate is granted not for the sake of the revenue derived from carrying the immigrants, but with the hope of future reward in the increase of passenger and freight business incident to settling up a sparsely populated country. Such low rates have always been granted under protest by lines whose passenger traffic is so light that higher rates are absolutely necessary to pay expenses, and with the conviction that, unless the immigrants move in large numbers on the same train, the rate is unremunerative. The railroads carry immigrants at these low rates much as the retail grocer sells sugar at a loss,—not for the sake of present revenue, but with the hope of future business. Several of the large railway systems operating through sparsely settled territory have made systematic endeavors to induce European immigration by other means also. But their endeavors have been on a quite limited scale, and have been greatly handicapped by the rules and regulations imposed by the European governments for the purpose of nullifying their efforts and keeping at home this

bone and sinew of their people; and there seems to be, on the part of some of our people, a disposition to attain this same end. The fact is that in the immigration question, as in most great questions, railroad companies, as far as they can, conform in their policy to the sentiment of the people of the country in which they operate. This is because it is good business policy to do so and because the officers determining the policy are of the people they serve. They are influenced by the same sentiments and prejudices and aspirations, the same ambitions for themselves and their country. Railway officers quite appreciate that the lines in their charge are to the territory through which they run as the veins and arteries in the human body are to that body, that the welfare of one is the welfare of the other, and no class of men watches more closely the symptoms of the body and strives harder to remove any disturbing causes. So, where immigration has been repugnant to the people, railways have been passive in prompting it. Not long since a proposition to inaugurate a steamship line between a certain foreign port and a certain American port was received coldly, and dropped because of the supposed repugnance of the people to the foreign immigration which the proposed line would of necessity foster. This responsiveness to and respect for public sentiment is strikingly illustrated by the following very recent incident which bears on the immigration question. Certain citizens of a certain State desired to import some laborers from a neighboring State, and sent their agent into that State to corral and conduct these laborers to the place where they were needed. On some pretext the labor agent was put in jail. Money for the transportation of the laborers had previously been placed with a railroad company operating in the State where the labor was needed, and this company had arranged with its connecting railroad company in the neighboring State to furnish the transportation for the laborers on demand of the agent at the agreed special rate made to facilitate the movement of such labor parties from one section to another. The labor agent was bailed out of jail immediately, but the railroad company, seeing the sentiment of its citizens, cancelled its agreement to furnish the transportation, and refused to co-operate in any way with its connecting line to provide transportation necessary to move the labor. The laborers, of

course, had the alternative of buying first-class tickets at regular tariff.

This spirit of opposition to the emigration of labor is common to nearly all sections or countries, especially to rural communities. It is strong evidence of the need of such sections or communities to encourage immigration. It is proof of a positive need. Other proofs of this need are most abundant. The Louisiana sugar planters have an organization for the purpose of promoting immigration. This organization sent an experienced and trustworthy Italian labor agent to New York in the spring of 1905 with orders for over a thousand laborers, whose transportation from New York to certain points in Louisiana the sugar planters pledged themselves to advance. They also pledged themselves to pay other reasonable expenses incident to securing the laborers. Although their agent devoted all of his energies until late in the fall in an endeavor to fulfil his contract, and he was not restricted to laborers of his own nationality, he managed to secure but seventy-five of the thousand desired. This thousand represented but a small part of the need. This demand for labor by the sugar planters is common to nearly all rural industries, not only in the South, but all over the country. The fervid delegate from North Carolina to the National Immigration Conference, who was forced because of limited time to conclude without our divining what he was driving at, explained afterwards that the point he was going to make was that his State had accomplished all those things he had recounted without the aid of immigrants. If this gentleman would go now to the western part of his State and stand on the crest of the Blue Ridge and look to the south and to the north, he would see the lines of a great railroad now building dotted with labor camps, the laborers of which are nearly entirely made up of foreign immigrants, about two thousand nearly within the range of his vision and more coming daily. He would see the same situation if he would take a similar position on the Alleghanies in Virginia. If he should inquire among the women of his State, he would find many almost in despair for the want of domestic help. A canvass of the cities and country districts would show a large percentage of families without and unable to get the domestic help they sorely need and are able and willing to pay for. I am prepared to provide trans-

portation for over a thousand laborers for work in Virginia as soon as it is secured. Homes all over this land are begging for help, farms are going untilled or half tilled, lumber mills cannot supply the demand for lumber, mines and mills of all kinds are but partially operated, new and needed lines of railways are making slow progress, all for want of help; and yet there is a strong feeling from diverse trades and professions that we should deny to this willing, yea, eager, and greatly needed labor that right referred to by Mr. Oscar S. Straus,—“as a fundamental principle of personal liberty, the right—with some limitations—of the human being to move from one part of the earth to another.”

The great demand for labor from all parts of the country shows the need to encourage rather than restrict immigration, since the labor is not here, and cannot be secured except through immigration. The law against bringing in foreign labor under contract should be repealed, and those needing labor should be permitted to bring it from abroad, provided the price paid the imported labor is not less than a certain prescribed standard, and a copy of the contract is filed with the government at the port of entry and a copy in his own language is also provided the immigrant. This would prevent importing labor simply to take the place of domestic labor, and it would result in improving the quality of immigrants, as the labor would be picked men and women selected because of their character and physique. The men sent back from Ellis Island because there was evidence that they had been induced to come here by an offer of wages have been among the finest specimens of men physically that have ever come to these shores,—giants some of them, many of them magnificent specimens of men, exactly the people we now badly need. We should repeal the unjust Chinese exclusion laws. Who is there that will say they are not unjust? As a nation, shall we not in our deliberate acts do justice? These exclusion laws are a disgrace to this government. We cannot go with clean hands to the Chinese government with any proposition until we remove this discriminating and entirely unwarranted act. With well-informed people the Chinese need no defence, and the abuse so much indulged in from some quarters only discredits the intelligence and the hearts of those who utter it. Give the Chinese similar environment to ours and similar education, and they

will not be greatly different from us. They are a great race, and we and they can learn much from each other and can help one another. That a professing Christian should favor our Chinese exclusion laws must make the devil smile with self-gratulation.

That the material prosperity of our country is promoted by the coming here of people of all nations and all races there is not a shadow of doubt. The only questions are: Is our moral strength weakened? Is the integrity of the Caucasian race blemished? Is the share of the individual citizen in the earnings of the nation reduced? Time permits only brief answers to these questions. As to the first question, it would seem but necessary to point to the illustrious immigrants of all nations now with us, and to remind ourselves that we are a nation of immigrants. It seems to me an impudent assumption of superior virtue that association with those of the same great Caucasian race from whom we are so slightly removed, and the history of whose ancestors is so replete with high achievement, could really contaminate us. In truth, there is much to learn from the immigrant. For instance, the example of economy and thrift of the newly arrived immigrant and his independence of mere appearance are tonics we all need. We ought, however, to be strict in our requirements for admission to citizenship and granting the right of suffrage. Our present requirements are so liberal that there is in some locations an adulteration of the suffrage that is positively sickening. It becomes us as men valuing the privileges of suffrage to take some action to protect it from those who are unfitted to exercise it. As to the degeneration of the race, the optimist would say: "We can trust to the instinct of self-preservation. This instinct is racial as well as individual. It has preserved the integrity of the race for ages. Why question it now, O ye of little faith?" On the other hand, conditions of the world are changing: education is exerting its leavening and levelling force, and bringing nearer together all peoples and races, bringing them into more intimate association; and, when we reflect on the examples of race degeneration here and there, found as a result of close association in business affairs and sometimes social affairs,—in other words, of social equality,—we are disposed to question whether that racial instinct of self-protection does not require

us to draw well-defined lines so as to lessen the chances of race degeneration, to put a bar to that social equality of the races which education of the mind and morals tends to promote. I recall seeing, many years ago, placards posted on the street corners of a little town the day before an election with the superscription in bold letters, "This is a white man's country." On each corner wherever you went the significant declaration, "This is a white man's country," met your gaze. This declaration has a brutal sound, but there is a growing sentiment that this nation should make the same declaration, that it should say to the world that, while it will welcome all races to its shores and protect with equal justice the personal and property rights of all races, it will deny to all but those of the Caucasian race the right to participate in government affairs by ballot or by service in elective offices. This would certainly lessen the chances of race degeneration and of race conflict. It would not be unkind. It does not mean a declaration of race superiority, but simply a recognition of constitutional race differences, of the value to human kind of keeping the races pure and avoiding race conflict. It would be in favor of the other races as well as the Caucasian. For amalgamation is alike disastrous to all races. The theory that the more foreign labor is admitted to this country, the greater the curtailment of opportunity for those already here, is the reverse of the fact up to certain, at present and for a long time to come, unattainable limits, as long as there are millions of acres of unimproved farm lands. The census of 1900 shows the population in the country districts of the United States to be, excluding Alaska and the Hawaiian and Philippine Islands, 45,411,164, and that this population is distributed over 838,591,774 acres of farm land, that of this 424,093,287 acres are unimproved. This acreage of unimproved farm land is more than the entire combined area of the United Kingdom of Great Britain, France, the German Empire in Europe, and Italy without its colonies, with a total population of 169,409,553; and yet there are some people who express alarm that as many as one million immigrants, the willing workers that our homes, our farms, our mines and mills, are crying out for, should be allowed to land on our shores. Why, Texas and Virginia alone could take care of the million immigrants a year for twenty-

five years to come very comfortably on their now unimproved farm lands. Their influx would not reduce the earning opportunities of the laboring classes,—those handling the plough, the pick, the shovel, and the hoe, the most important element of our population,—because the wages of this labor is in its ultimate analysis what it can produce from the soil after the cost of production other than its labor and the tariff exactions are deducted. This fact is instanced by the methods of, say, the railroad contractor. When he wants to build a railroad, he approaches the farm laborer who already knows about what he can earn. He knows that he can go to any land-owner and procure a little farm under a sale or lease contract which will provide for the advancement of everything necessary to carry on his limited farming operations, and figure with tolerable accuracy what his self-directed labor will bring him. The farmer who desires to employ him has the same standard to go by. The contractor will not get farm help for his railroad unless he offers wages attractive from the standpoint of the farmer. The farm laborer will refuse to help him until he can offer him more than he can make by farming. Then the contractor has recourse to help from the cities, and his offer to the labor in the cities is a little less than is necessary for him to pay the farm laborer to induce him to lay aside his plough and his hoe for the pick and shovel. It will be claimed here, “Yes, but for this flood of immigrants the contractor would pay this city labor, this organized labor, higher wages.” No, he would not. He would employ the labor nearest him,—the farm labor. This law of wages will hold as long as there is uncultivated land. The sudden influx of labor will sometimes interfere with the operation of the law at congested centres, but the demand elsewhere soon restores the equilibrium. This equalizing of the supply with the demand is a matter which is receiving more and more attention from organized bodies, and some efforts in this direction are worthy of note. A very successful and, so far as my limited observation goes, the most scientifically conducted organization having this end in view, is the “Industrial Removal Office,” a branch organization of the United Hebrew Charities. By a very thorough organization it ascertains where labor is needed, and then supplies this need from the ranks of the unemployed in the East,

mostly in New York City and from newly arrived immigrants. Thus it has removed over 17,000 within the last three years. This number of workers would make a city of very respectable size in the South or West. The railroads through their agricultural, industrial, and immigration departments are a beneficial influence in promoting the distribution of immigrants to sections where they will get best returns for their labor. These departments are high-pressure machines going at full speed all the time and accomplishing some results, but hardly commensurate with the energy expended. Colonizing enterprises of various kinds and varying merit are also helping the cause along. Some of the best results along this line have been engineered by the Southern Immigration Association of New York City. This association has accomplished much with comparatively little cost. One of the propositions which appeals most to me as both practical and humane is colonizing on the share system on a large scale, somewhat as it is practised in the South on a small scale with almost every practical farmer who has more land than he cares to or can cultivate with his own resources. There is now in successful operation a colony of negroes operating under this plan with success in Alabama. The land was purchased by an association of men having ample capital, and the negroes are being supplied with means to carry on farming operations. The men who put up the money are well pleased with their investment. The proposition, in brief, is one to set up the immigrant in business for himself, providing him with all capital necessary to carry on the business of farming. It involves the purchase of a tract of land of, say, 2,000 acres at its market value, and bringing the immigrant to the site of the colony under a contract to purchase the land at its market value, he being provided by the owners of the land with a house, farming utensils, stock, and all necessary provisions for planting, cultivating, and gathering his crops. The crops are divided when gathered under the terms of the agreement. If the immigrant is industrious and thrifty, he will soon own the land. Many well-to-do farmers in the South have purchased their farms under this system, and there are thousands of land-owners who will gladly give the same opportunity to the immigrant. All that is wanted is a reasonable assurance that the immigrant is honest in his intentions and is industrious.

"The right—with some limitations—of the human being to move from one part of the earth to another is," as Mr. Straus says, "a fundamental element of personal liberty," and should be recognized by all people. Our laws should not do violence to this unalienable right. In legislating on the subject of immigration, we should be guided, as in all other matters, by general principles,—the rules of right, of justice, and of kindness. Our own welfare in the end and enlightened selfishness require that we do so. When in our legislation, as in our individual lives, we turn from the well-defined line of principle to the indistinct and ever-changing one of policy or temporary expediency, a line marked out or traced under the unsteady guidance of our whims and our prejudices, we only bring trouble upon ourselves, and make the world harder for future generations. It pays in national affairs as in individual to hew to the line of high principle, let the chips fall where they may.

A good deal has been said on the subject of directing by some governmental machinery where the immigrant shall go. I think those who are familiar with the subject agree that no machinery on this side of the Atlantic can accomplish anything unless it be directed to educating the immigrant before he leaves his native land: this would almost of necessity involve soliciting the native to leave his native land, advertising for immigrants. This is distasteful to the foreign government, and it is questionable whether the artificial stimulation of immigration should be encouraged. Should we not leave to the natural laws full play? We can trust them to fill our requirements, to work out our salvation. The present tide of immigration is nearly entirely the result of their operation. Mr. Watchorn has told us that nearly every immigrant who comes here comes because some friend or relative has written, telling him of the opportunities here. Let us interfere with natural laws as little as possible. There is a wide difference of opinion as to immigration questions. When we differ, let us leave the subject to be worked out by the unswerving and usually beneficent natural laws.

6. SOME PHASES OF CANADIAN IMMIGRATION.

BY P. H. BRYCE, M.A., M.D., CHIEF MEDICAL OFFICER OF THE
INTERIOR DEPARTMENT, CANADA.

Mr. President and Gentlemen,—Immigration to Canada may be said to have begun at the close of the American Revolution, when some twenty-five thousand Royalists emigrated to the several Canadian Provinces. It was not, however, until the end of the Napoleonic Wars that, owing to commercial depression and social agitation, immigration from the British Isles set in with force. From 1815 onward to 1840 emigrants passed up the St. Lawrence in numbers, in some years exceeding that to the United States. This will be a matter of surprise to many; but, when it is remembered that the agricultural lands east of the Alleghanies were limited, while those of Upper Canada were extensive and easily reached by the St. Lawrence route, the fact is readily understood. Indeed, it was not until the era of railways had begun, enabling immigrants to reach the prairies of Ohio, Indiana, and Illinois, that the bulk of emigration set in toward the United States. After 1855 emigration to Canada gradually lessened in consequence not only of the great efforts of the railways and land companies to settle these Western prairies where land was cheap, but also because the then available lands of Canada had in large measure been occupied. The Dominion of Canada had not yet been formed by the federation of the older Maritime Provinces and Upper and Lower Canada. The great North-western prairie Provinces were as yet a *terra incognita*, whose agricultural possibilities were unknown, while they were separated from Upper Canada by one thousand miles of rockland and forest. In 1870 they became a part of the Dominion of Canada, and the Province of Manitoba was organized. Not yet, however, were these lands available for easy settlement. Not till 1882 did the Canadian Pacific Railway begin construction, and in 1886 only did the first train leave Montreal for Manitoba and the Pacific Coast. The advantages of prairie lands at low prices, rapid transit, and the success of the millions of immigrants

on them had meanwhile made the Western States of the Union known to all the countries of Europe, and against such influences Canada had to struggle in order to bring the advantages of her North-west to the attention of intending emigrants. Meanwhile Canadians from the older Provinces had been gradually discovering the possibilities of their vast Western heritage; while, with the available desirable lands of the Western States largely occupied, the surplus population of these States began looking northward for cheap wheat-lands. It was at this time that the Minister of the Interior of Canada, a young Canadian from Ontario, who had gone as a young man to Manitoba, and had become acquainted with the possibilities of the great West, inaugurated the present immigration policy, which in the last five years has brought 500,000 people into the territories beyond the Great Lakes. This policy briefly involved the establishment of Emigration Agencies in Great Britain, in the countries of Northern Europe, and in the North Central States of the Union. For agriculturists and domestic servants a premium was paid to booking agents and various organizations, with the promise of free homesteads in the unoccupied lands in the West when settlement duties should have been completed. This policy, inaugurated in 1898, soon began to produce results. Immigrants settled in Canada in the following numbers:—

In 1897 there were	20,016.	In 1902 there were	67,379.
1898 " "	30,742.	1903 " "	128,364.
1899 " "	44,543.	1904 " "	130,331.
1900 " "	44,697.	1905 " "	146,266.
1901 " "	49,149.		

But much more than the mere offer of free homesteads was done. The policy involved the supervision of steamships in the matter of the health and comfort of emigrants, and an increasing oversight of them from the moment of landing until located on their lands.

On landing they were received into commodious buildings, their sick cared for, their baggage and effects duly forwarded, and themselves transferred to colonist cars equipped with berths, cooking conveniences, and good water. Officers of the Immigration Service were detailed to accompany them,

answer their inquiries, attend to the needs of any who became sick, protect them against imposition in the matter of purchasing food, and prevent their being deceived by persons ever willing to prey upon the foreigner and stranger. On arrival, at the end of four days, in Winnipeg, they were met by the local officers, advised as to hotels and boarding-houses, given information with regard to finding employment, and those going still farther west were housed, temporarily, in ample buildings fitted up for their use. From Winnipeg daily trains departed for points farther west, where at some twenty different places buildings were ready to receive them till they were located. At each of these points, government officers were ready to give the immigrant information as to the available homesteads, and men approved by these officers were engaged by the immigrant to conduct him to the lands from which to select his future home.

The same general attention is given to land-seekers coming in from the United States, who, however, have been usually found quite capable of taking care of themselves.

Such is the plan which, inaugurated in 1898, has been developed until to-day it works almost automatically in the interests of the immigrant and to the advantage of Canada.

For years the steamship companies sailing to Canadian ports had carried immigrants in transit to the United States; and, after the inspection service of the United States was instituted in 1893, such were inspected either at the border or at Canadian ports. The results of this inspection soon made it appear necessary for the Canadian government to adopt similar precautions to prevent undesirables being left on their hands; and in 1902 an act was introduced providing for a medical inspection similar to that at United States ports. This service has now been organized on a permanent basis, and is being carried on along lines similar to those at New York, but differs in certain details, which it may be worth while to outline. From what has already been said it will be apparent that Canada wants immigrants. She invites and welcomes them; but, like the United States, she is growing particular. She wants desirable immigrants, and as resolutely refuses the undesirable. This is quite well known now

to the steamship companies; and experience and patriotism have induced them to exercise through medical inspection a wise discretion regarding those to whom they give passage. Relatively, their task is an easy one, since the classes of immigrants brought to Canada vary notably from those to the United States. Thus, in 1904-05, 146,266 entered Canada, of whom 65,399 were British, 37,255 Continentals, and 43,682 from the United States. Or the British were to the Continentals as 65 to 37, while, of those coming to the United States from Europe, the British were as 1 to 8 Continentals. On the assumption that any immigrant, otherwise desirable, detained on account of curable disease, is an asset more or less valuable, he is placed in a detention hospital adequately equipped in every way for his successful treatment. To what extent the practice prevails may be gathered from comparative figures. Thus, in 1904-05, 2,559 immigrants were detained and treated at the expense of the steamship companies, making a total of 34,414 days, an average of 14 days each, while at the United States ports 4,828 were detained and treated for 31,066 days, or an average of 6.4 days each. It may be mentioned that the immigration to the United States was nearly eight times that through Canadian seaports.

That the addition of 125,000 European immigrants a year, within nine years, has stirred up public opinion in various ways in Canada, would naturally be expected; and with the anticipations of a bright commercial future there are mingled gloomy prognostications of the dangers besetting the national character, the morals, and even the loyalty to the crown of the future Canadian peoples. None is wise who prophesies regarding the future; but argument from analogy is always permissible. I have examined the figures of the United States census for 1900 for the group of North Central States for comparison, and find that, roughly, in the twelve States from Ohio to the Dakotas 26,000,000, or one-third of the population of the United States, is located. Of these, 16 per cent. are aliens born, 44 per cent. are the children of aliens, while the remainder, 40 per cent., are American. From this population have gone into the Canadian North-west 182,000 within the past five years, and have been welcomed as settlers only second to our native-born Canadians. Of these immigrants

at least two-thirds, and probably more, are European aliens or their children; and yet there is not infrequently dread expressed lest Western Canada become Americanized. As a matter of fact, there is to-day an estimated population in Manitoba, British Columbia, and the Territories of 775,000 Canadians, 120,000 British, 182,000 Americans, and 100,000 Continentals, or in a total of 1,177,000 less than 25 per cent. are not British and Canadian. In 1905 the British in Canada increased 15,000, or 30 per cent. over 1904, while the Continental increased but 7 per cent.; and in the present year the influx of British is greater than ever, having exceeded last year to the end of March by some 5,000. It will readily be understood that with the larger immigration, due to the eyes of the British people having been turned to Canada by a systematic emigration propaganda, more persons of capital, of social status, and physical goodness than ever are finding their way to Canada; and never have I seen amongst the thousands coming on the steamers, as this year, so few of the unfit, whether from disease or poverty. When it is remembered that such a disciplined agency as the Salvation Army has last year, and yet more this year, turned its energies toward obtaining a selected class of British emigrants, agriculturists, and domestic servants especially, it will be understood how the old mother and her daughter are assisting each other. The Army selects, at its many centres in England, from those applying for information and tickets, inquiring into their antecedents, physical and moral, and as to their occupation, and, if approved, tickets them to various destinations in Canada, where they are cared for by the Army for a night and introduced to situations. Ships with the Army flag have even been chartered, and special regard is had for this work, for it is carried on from the standpoint of philanthropy and patriotism. This, however, is but an illustration of how the work of selection goes on, assisted always by the government, which gives a small *bonus* for selected immigrants. Of course, the many other agencies, as the steamship companies and the regularly appointed agents of the government, do still much more; but this example illustrates how the present immigration policy of Canada is bringing to her shores a population transferred to wider fields of activity, and which will yearly

add strength to the imperialistic idea now permeating the British Empire throughout the world.

In conclusion, a word may be said regarding the social effect upon Canada of this influx of hundreds of thousands from abroad or from the United States. Of course, it would be absurd to disguise the fact that influences will radiate from these, of whom there is one annually in every forty of Canada's present population. But, while this is true, it is apparent with provincial governments and municipal systems established in every territory prior to this rapid influx, that the new-comer, earnest in securing a home and seeking a fortune, will be anxious to fall in with conditions favorable to his hopes and aspirations rather than attempt to introduce social customs and habits of thought inimical thereto. The history of former immigrations to Canada is illustrative of this fact; but on an infinitely larger scale the same facts are demonstrated in the Western States of the Union. Established systems of law courts, with a permanent judiciary, fully developed public school systems providing for compulsory education, and a federal constabulary, maintaining law and order throughout this wide Western area, will insure that the same conservative influences which dominate social life in the older Provinces will prevail in those now rapidly filling up with peoples from many lands. Much, however, will depend upon the extent to which the native-born and British-born Canadians appreciate that they have very serious responsibilities attaching to these new forces so potential for good or evil. If in the United States recent occurrences are portentous of future social upheavals and if similar clouds be not wholly absent from the yet serene skies of Canada, we may feel assured that such are due chiefly not to the illiterate and once down-trodden alien, who has misplaced liberty for license, but rather to the fact that the well-born and more fortunate children of the soil have forgotten, in their proud ascendancy and social superiority, that no man can without detriment to society and to his own moral sense forget that he is part of a social organism whose members must perform their several duties adequately, if the whole is to function normally. The story of the "Belly and Members," told by that old Roman tribune to the assembled *plebs* on the Sacred Mount, is as true to-day

as then; and I trust that in the twentieth century, which we are told belongs to Canada, the results will show that moving down the ages, widening from precedent to precedent, Canadians shall have learned the truth which came to Sir Launcelot only after weary years of search for the Holy Grail, — that it is

“Not what we give, but what we share,
For the gift without the giver is bare,”

that insures the highest personal happiness and becomes the truest mark of a people's greatness and the guarantee of social security.

7. THE DISTRIBUTION OF JEWISH IMMIGRANTS.

BY CYRUS L. SULZBERGER, PRESIDENT OF THE INDUSTRIAL
REMOVAL OFFICE.

Ladies and Gentlemen,—This year concludes the fifth year of the work of the Removal Office. In that time 22,491 persons have been removed from New York through its agency. We have every reason to believe that fully 20,000 of these have permanently remained away from this city and are satisfactorily employed in earning their livelihood. The real influence of these removals is, however, found in the fact that 6,696 were married men, removed without their families, the families of 1,112 remaining in New York, and 5,584 having their families still in Europe. These 6,696 families naturally follow their head when he is able to support them. In the five years 1,493 such families were removed by us in annually increasing numbers, leaving a remainder of 5,203 families, representing at a minimum about 17,000 souls, whose heads have been removed by us, and who either followed their head at their own expense and without our knowledge or who have yet to go.

On July 6, 1905, we sent to Birmingham, Ala., a foundryman who had been two months in the country. The next week he wrote to one of the Jewish papers the following letter in Russian, a translation of which was sent to us from the newspaper office:—

I beg you to be so kind, after translating my letter in Yiddish, to put it into the newspaper. Bad people spread in New York a false rumor that the Removal Office compelled the laborers who are sent from the office out of New York to work in the coal mines. It will be right to deny the false statement. Not long ago I was sent from the office to Birmingham, Ala., to their agent, who received me as a brother, and provided me with board and lodging. On the next day he went with me to find work for me, and I got a very suitable position, receiving good wages and board. I am very thankful to him. You, my brethren, do not believe in the false rumor. In your need turn to the Removal Office, and beg them to send

you anywhere, and you will positively get work and will make a comfortable living.

On an average every one of the young men sent away has succeeded in finding employment. Of the six thousand persons sent away last year twenty-two hundred and more were heads of families, the remainder being men without families. Ninety-eight per cent. or more have remained away from New York and have not so far returned. Over eighty-five per cent. have remained at the particular place to which we sent them. The others, the remaining ten or fifteen per cent., have removed to some other place, having been attracted by an opportunity for better employment or by some other reason. But over eighty-five per cent. have remained where they were sent, and are engaged in the occupations which are for the most part their natural occupation.

There seems to be among some people an impression that there is very little diversity of occupation among the Jewish immigrants. The thirty-five hundred whom we sent away last year included fifty-four bakers, twelve barbers, one hundred and twelve blacksmiths, seventeen bookbinders, one hundred and two butchers, one box-maker, twenty-one bricklayers, five brush-makers. This shows quite a diversity of occupation among our Jewish immigrants,—this list alone; and yet I have recited only the "B's": I have not gone through the whole alphabet. Another impression seems to be that Jewish immigrants are all tailors. As a matter of fact, of these thirty-five hundred people, married and unmarried, removed in 1905, fifteen per cent. were engaged in the needle industry, being five hundred and thirty-five; in the building trades there were engaged seven hundred and seventy-six people, or twenty-two per cent.; as farmers, seventy-four people, or two and ten one-hundredths per cent.; in miscellaneous trades eight hundred and sixty-eight, or twenty-four and sixty one-hundredths per cent.; unskilled labor, one thousand two hundred and seventy-five, or thirty-six and fourteen one-hundredths per cent.

There are some incidental things that occur in connection with this work. I do not profess to conduct a matrimonial agency, and yet I was rather interested when I got this letter

written May 1, 1905, by a blacksmith who had been but three months in the country, and whom we sent to South Bend on the first of March, 1905. He had been unable to get employment here in New York.

I thank you for sending me to such a pleasant city. I found plenty of work here, and am going to be married on May 5 to a girl of a very respectable family, and I invite you to my wedding.

I was sorry that I could not go. I have a similar wedding invitation from Atlanta, Ga. On the 20th of November a man wrote to us from Buffalo:—

I am working at my work in a car-shop, earning from fifteen to twenty dollars per week, and I can say that five out of the eight weeks that I was in New York I had no work, and in Buffalo I only stopped two weeks during the entire year. I am going to marry soon.

Dec. 26, 1905, we received a letter from a man we sent to Zanesville, Ohio:—

Four years ago, when I was not able to make a living in New York, in spite of the fact that I was a good shoemaker, you sent me to Zanesville, and I worked for \$3 a week and more. I worked for the same man for two years until I got \$12 a week and brought my family over, and now, thank God, I have a nice business, and need a man to work for me. I have a store and shoe-shop, and as my business is increasing, although my daughter helps me in the store, I need some one to help me in the shoe-shop. If you will send me a shoemaker, a foreigner, I will pay him \$5 a week and board, and he can work up.

One of the most interesting of these letters I now have in hand is from a man who lived ten years in New York and was a ladies' tailor, and was unable to succeed. He came to us. We do not ordinarily send away men who have been so long in this country; but we made an exception in this case, and as it had happened on this particular day that we had sent no one to Omaha, and that he had no friends in the United States, we sent him to Omaha. This was in September, 1904. He was then \$60 in debt and unable to take

his family with him, because he had no money and wanted first to establish himself. On Oct. 20, 1904, five weeks later, he sent for his wife and four children. On Nov. 23, 1904, our report shows that he was earning \$25 per week, and a letter dated Jan. 10, 1906, received from him is evidence of continued prosperity, and reads:—

Will you be so kind, and send me a good ladies' tailor? I will guarantee you he will have a good steady position and good pay.

He had established himself as ladies' tailor, had a printed letter-head and telephone, and wanted a man to work for him. We sent him one, and in February he wanted two more men to work for him. On the 23d of February he wrote to us, telling us that the two men we had sent were there. One had been with him for eleven months at \$20 a week, and the other eleven months at \$15. Now both these men had families to go to Omaha. Here are the records of these two men. One had been earning from sixteen to eighteen dollars a week, had a wife, two children, and a sister with him, and had lived for six weeks without employment. The other had only been four months in the country, and had been six weeks out of employment, and had earned only six or eight dollars a week when he was employed. These men, as above stated, had both been steadily at work for eleven months, one drawing \$15 a week and the other \$20 a week. Their families have joined them in Omaha, and have all been attracted there by the man first sent out by us. He was sent there in 1904, being penniless in New York and in debt. Now he is a prosperous merchant in the city of Omaha.

At an investigation made recently of the results of sending people out from New York we found this: On June 26, 1905, we sent to Columbus, Ohio, an iron-worker who had been in this country something under two years. On September 20 he wrote to us as follows:—

I am thankful to you my dear friends of the Removal Office for your help to escape from the hell of New York, where thousands of people are dying for lack of a cent. I am working, and making a comfortable living. I am happy.

Your agent did his best for me, and, until he found me the right place, he provided me with board and lodging. I make here \$50 a month, and I hope that in the future I will be able to improve my stand. I am sorry that I did not leave New York a year ago. I beg you not to put my letter in the newspapers, because I have many friends.

A recent investigation by our agents shows these facts: Six men sent to Columbus, Ohio, between February 11 and June 27, last year, had savings in bank ranging from \$75 to \$300, and aggregating \$960, notwithstanding the fact that three of them were sending money home to Russia and two of them had brought their families over from there. Of nine men sent to Nashville, Tenn., three have their own stores. Two carpenters sent to Minneapolis have savings of \$800 and \$700 respectively, and one shoemaker sent there owns his own house. A Pittsburg machinist is earning \$20 a week, another \$4 a day. Three of the four have bank accounts ranging from \$300 to \$500. Of those sent to Rochester, six have purchased houses, and others have bank accounts ranging from \$300 to \$500. Twenty-nine men sent to that city have aggregate savings in banks and in real estate amounting to \$8,000.

Bear this in mind, no single individual has been sent away who had employment in New York. Every one was out of a job when sent. We feel that it is more responsibility than we are willing to assume, that of taking a man out of a job where he is earning a living and sending him elsewhere, where he may earn a living or may not. A man earning a living is taking care of himself, and we take only those who are out of work. An instructive and illuminating fact is this, that, notwithstanding the large immigration of the past year, for the year 1904 the number of persons sent away was 6,023; in 1905, 6,005; and we found eighteen men less in 1905 who were willing to go away than we found in the preceding year, the reason being that employment was so easily obtained in New York in 1905 that it was difficult to find men out of employment, of the kind likely to want to go away. Of course there are always men out of employment, but they were scarcer in 1905 than in 1904, and we found it even more difficult to get them to go.

In Milwaukee, Wis., the local committee in charge of the work of removal has organized a little agricultural society and bought seven hundred and twenty acres of land, dividing it into forty-acre tracts. They take some candidates and put them on these forty-acre plots, advance the necessary supplies, permitting them to build their houses there, and pay them wages during the first year of their work. At the close of the first year they give them a purchase contract on the property, and these men sent out originally as industrial workers are farmers operating successfully. Recently three families of those sent away, who settled on these tracts, have gone into farming there. This work is cumulative year by year. Every one sent out from New York to the West to become a farmer there increases value and production, and the general wealth and prosperity of the country. Numbers are constantly increasing, and we believe that instead of counting our beneficiaries by tens of thousands, as at present, we will ultimately count them by the hundreds of thousands.

8. PROPOSED LEGISLATION ON IMMIGRATION.

BY PRESCOTT F. HALL, SECRETARY IMMIGRATION RESTRICTION
LEAGUE.

The immigration question of to-day differs in two important respects from that of the last century. The volume of immigration is larger, and the racial composition of immigration is different.

Leaving out of account the labor element, there is little disposition at the present time on the part of our people to restrict immigration on account of mere increase in its volume, except so far as that increase prevents proper assimilation and distribution. When an immigrant produces more than he consumes, he is an economic benefit, and is to be welcomed unless his character and standards of living are such as to endanger the general welfare. It has truly been said, however, that economically cheap labor may not be socially cheap, and it is rather the character than the volume of recent immigration which seems to call for further regulation and restriction.

The justification for further restriction is of two sorts: (1) certain observed evil effects of immigration in the past, and the necessity of preserving our existing standards and institutions from degeneration; (2) the unique opportunity which we have in the United States for improving our race-stock by means of a careful selection of immigrants. In other words, we must preserve our average quality, and we have a chance to raise that average.

The debate as to immigration restriction is in the last analysis between the optimists who believe in the efficacy of natural selection and the more prudent and careful persons who believe in artificial selection. The former admit many of the evils alleged, but argue that time will remove them. The latter say that the doctrine of the "survival of the fittest" means only that those survive who are fittest for survival and not necessarily fittest for any other purpose. They point to the fact that in every other department of life we are using every effort not only to weed out the thorns and the thistles,

but to develop the grapes and the figs into new and more valuable species, and we do this by selection of the seed. Even those most opposed to selection of immigrants, in general, agree to some restriction. Very few of them desire to repeal the Act of March 3, 1903, excluding some sixteen classes of persons. They do not insist that, because we can care for the pauper, the insane, and the criminal better than some of the nations of Europe and Asia, we should therefore receive all such persons as those countries may choose to send us. On the contrary, they admit that it is the business of each nation to look after its own dependants and delinquents. But precisely the same arguments can be used to sustain the exclusion of persons of poor physique and those of whom a certain proportion are practically certain to become dependants and delinquents after landing, or, indeed, the exclusion of any class which tends to lower the average value of the citizen, in physique, in intelligence, and in civic and personal ideals.

It must be admitted that statistics cannot measure the evils of immigration. What figures we have are extremely imperfect; but, beyond this, that steady watering of the nation's best blood which comes from the infusion of lower elements cannot be measured in statistics until after a considerable period. It is only after a time that the change produces types extreme enough to be specifically classified. The changes in social and political ideals resulting from the change of racial units must be sought in legislation, in city charters, in societies and organizations, and they do not appear in the statistics of individuals at all. Then, again, "what's done we partly may compute, but know not what's resisted." The increased effort of preserving existing institutions in the face of hostile or indifferent forces is only partially measured by the increased appropriations for schools, police, law courts, and sanitary inspection.

Still, even so far as statistics do reach, they show conclusively that we have been receiving many undesirable immigrants. It appears that the foreign whites are almost three times as illiterate as the native whites; and although the children of immigrants, owing to the fact that they live in those States where education is compulsory and facilities abundant, are much better educated on the average than the

children of natives, yet in some States, like Massachusetts, they are more than twice as illiterate.

In regard to crime, insanity, and pauperism, we find, leaving age out of account, that foreign-born furnish more than twice the normal proportion of inmates to the penal, insane, and charitable institutions of the country, while an alien population, which in 1900 was 1.3 per cent. of the total population, in 1904 furnished 11 per cent. of these inmates. If we consider crime alone, and compare the male prisoners with the males of voting age, we find that the foreign white are once and a half as criminal as the native white of native parents; while the native white of foreign parents, in other words the children of immigrants, are three times as criminal as the native element and twice as criminal as the foreign whites. In regard to male juvenile offenders compared with the male population of school age, for the North Atlantic Division we find the foreign white nearly three times as criminal as the native whites of native parentage, and we find the children of immigrants nearly three and one-half times as criminal, while they are also one-fifth more criminal than the foreign whites. These considerations are serious, for they show that the second generation are more objectionable than the original immigrants; in other words, that a part of the foreign element tends to degenerate for a time, and we cannot yet tell whether it will go lower, or how long it will take for the worst elements to be eliminated.

In the anthracite regions of Pennsylvania from 1880 to 1890 the convictions increased nearly ten per cent. more than the population, and the proportion of Slav criminals increased nearly twenty-five per cent. more than the Slav population. In Massachusetts, disregarding ages, those of foreign birth and of foreign parentage furnish five times as many prisoners as those of native birth and parentage. The city magistrates of Manhattan and the Bronx report an increase of arraignments in 1905 in all the magistrates' courts of 18,388 over 1904. There was a decrease of 2,151 in the native-born, and also a decrease in Irish, Germans, and French, while there was an increase of 1,455 in Italians, 2,463 in Russians, and 608 in Greeks. Although comparisons such as these are doubtless rough, they do show to some extent first-hand effects of very

recent immigration. The Superintendent of State and Alien Poor of the State of New York reports that on March 6 last 60 per cent. of the population of Elmira Reformatory were aliens; that, of one class of 32, 22 had been in the country less than one year, and that 90 per cent. of these and others like them ought never to have been allowed to land. Germany will not take these people. England is now preparing to exclude them. Why should they be dumped upon us?

In 1890 the foreign-born furnished two and one-third times their normal proportion of insane, and in 1905 the New York State Lunacy Commission reported an increase of 20 per cent. in the insane, and that it was due chiefly to the fact that the bulk of immigration arrives at the port of New York.

Comparing male paupers in almshouses with males of voting age in the North Atlantic States, we find that those of foreign birth or parentage furnish more than three times as many paupers as those of native birth and parentage. The proportion of foreign-born paupers in the total paupers has been rapidly increasing since 1870.

I will pass by the enormous burden of this foreign defective and delinquent class, as being obvious, only reminding you again that for every person who sinks low enough to be segregated into that class there must be many who are kept afloat only by an added strain upon the philanthropic public. I will pass by also the evils resulting from the crowding of aliens into our large cities. The physical and social damage resulting therefrom has often been dwelt upon. Professor Commons, who wrote much of the Report of the Industrial Commission on Immigration, calls attention to the fact that the presence of a mixture of races in our large cities increases the difficulties of governing them. More and more we are trying to average our population, if I may use that term, by governing large cities through the State legislatures in which the native element has a larger control. We tend to concentrate more power in commissions appointed by the State, and in mayors and heads of departments. In short, as Professor Commons says, "we have actually begun to despotize our institutions in order to control these dissident elements, though still optimistically holding that we retain the original democracy."

Perhaps, however, immigration affects the country less through the people whom it introduces, or their qualities, than through those whom it prevents being introduced. The latter are divisible into two classes: first, those higher grade laborers who are unwilling to come here to compete with the lower grades who have recently been coming in large numbers; and, second, those children who are never born because of immigration. These results, again, are not capable of complete statistical demonstration. It is impossible to tell how many immigrants might have come to us under different conditions, who in fact did go to Canada, Mexico, South America, South Africa, or Australia. The limitation of a birth-rate is due to the desire to concentrate advantages; but this may be for the purpose of aping the customs and scale of living of a higher social class as well as avoiding falling into the condition of a lower class. So just here is where that individual observation and research which is, after all, at the base of statistics comes in. The testimony of foreigners, especially North-western Europeans, as to their reasons for going elsewhere than to the United States, is ample to prove the first point. As to the second point there is a wide difference of opinion. General Francis A. Walker, as you know, was entirely convinced that immigration is the chief cause of the falling of our birth-rate. Other students of the subject, such as Professor Marshall, have arrived at the same conclusion. The Industrial Commission says it is not at all improbable. This, again, is a matter which cannot be proved by statistics. The writer has personally inquired of many persons the reason for the small size of their families, and the invariable answer has been, not that they wanted their children to have more than they had themselves, but that they were unwilling to have children under such circumstances that the latter would be forced to compete in the lower kinds of labor into which the immigrants have gone, and this not on account of the kind of labor itself, but because of the associations into which they would thereby be thrown. In the West the larger families from New England stock prove that the native elements are still fertile. In the South the fact that the birth-rate has been practically constant during the last century shows that where the only servile class is separated by a caste barrier, and where there has been practically no im-

migration, the native stock continues to breed at the same rate as formerly. I am not afraid to predict, though I do so with regret, that any large influx of cheap labor from Europe into the Southern States will be followed by a marked decrease in the birth-rate.

Kuczynski has pointed out that the birth-rates of the native elements in Massachusetts and Rhode Island, States particularly exposed to the industrial competition of immigrants, are the lowest in the world, while the birth-rates of the foreign elements in those same States are high. Yet the foreigner is undoubtedly trying to climb socially more than the native: the latter, in most cases, is merely trying to hold his own.

If there is any considerable measure of truth in this view, this result of immigration must be considered the most important of all, for it concerns the future of the country as well as the present. It would be difficult to maintain that a race consisting of a mixture of the best specimens of all European races could not be as good or better than the Teutonic stock which peopled this country down to 1880. But we can start with the proposition that in the United States this Teutonic stock produced a race of splendid achievements and tried value, apparently much superior to the average immigration of the present day; and then we can indorse the further proposition that any addition to this stock should at least be made from the best individuals of other races.

The existence of undesirable and dangerous elements in the present immigration is recognized by all competent students of the question, and especially by immigration officials of the widest experience.

Hon. William Williams, formerly Commissioner of Immigration at the port of New York, says in his Report for 1903:—

But these laws do not reach a large body of immigrants who, while not of this class, are yet generally undesirable, because unintelligent, of low vitality, of poor physique, able to perform only the cheapest kind of manual labor, desirous of locating almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfitted mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classed as "undesira-

ble." I believe that at least 200,000 (and probably more) aliens came here, who, although they may be able to earn a living, are yet not wanted, will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards; and, if these 200,000 persons could have been induced to stay at home, nobody, not even those clamoring for more labor, would have missed them. Their coming has been a benefit chiefly, if not only, to the transportation companies which brought them here. . . .

Aliens have no inherent right whatever to come here, and we may and should take means, however radical or drastic, to keep out all below a certain physical and economic standard of fitness, and all whose presence will tend to lower our standards of living and civilization. The only apparent alternative is to allow transportation companies, largely foreign (whether by their own agents or by men to whom a commission is paid for each immigrant secured is not important), to cause Eastern and Southern Europe to be scoured for aliens, not whose presence here will benefit the United States, not who belong to a stock which will add to the elements on which the country in the past has grown great, not who will bring a certain amount of wealth to their new homes, but who merely happen to have enough money to purchase tickets from Europe to some place in the United States, and can bring themselves within the easy requirements of the existing statutes. A too rapid filling up of any country with foreign elements is sure to be at the expense of national character when such elements belong to the poorest classes in their own respective homes.

Similarly, Commissioner-General Sargent, in his Report for 1903, says:—

Enough, however, has been learned to convince the Bureau that the inadmissible classes of aliens should be somewhat enlarged. Thus no diseased or physically incapable persons should be admitted to the United States. The number coming is large enough to justify a rigid censorship, so as to exclude all those whose presence would be, either at the time of arrival or soon thereafter, a burden upon some community. With the same purpose in view an age limit might be presented,—say, sixty years,—and every alien applicant for admission who had passed that age should be refused a landing unless possessing a son or daughter in this country amply able to provide for such alien.

It seems hardly necessary to enlarge upon the importance from this point of refusing admission to aliens suffering from disease, whether of a communicable nature or not. To meet

with the physical conditions in a new and strange country, to avoid the risk of pauperism therein, diseased aliens should at least exhibit so much prudence as to wait recovery in their own homes.

The same eminent authority in his Report for 1904, after mentioning that 284 fines of \$100 each had been imposed upon steamship lines for bringing diseased immigrants, says:—

It is useless, if not puerile, to trust that the transportation lines representing enormous investments of capital operated for the express purpose will not resort to every known means to secure passengers, or that persons acting as their agents in foreign countries will not do likewise to secure commissions, even if such acts involve violation of the laws of the United States.

Commissioner Williams, in his Report for 1904, says:—

This rapid filling up of the country with foreign elements representing often the poorest classes in their own homes and differing in blood and customs from those constituting the backbone of the United States is clearly at the expense of national character. It is sheer folly for a country with a population of 80,000,000 to increase deliberately the difficulty of solving its already great social and economic problems and to add to the burdens of its educational and charitable institutions by continuing to admit elements of the character described. Aliens have no inherent right to come here, and only those should be allowed to do so whose presence will be of real benefit to the country.

If it be admitted or proved that there are evils in our immigration as at present regulated, what are the remedies?

The principal trouble with the present law arises from two circumstances. The theory of the law is that the steamship companies will enforce it as a matter of self-interest. But we find, on the one hand, that they do not enforce it, as in the case of diseased persons, for bringing whom they were fined upwards of \$28,000 last year. They insure themselves against loss for such persons by requiring deposits in addition to the passage money, and trust to getting a certain number through, or, at any rate, to make a profit on carrying them both ways. As to one class of excluded persons, however, the theory that

the steamship companies will enforce the law breaks down; namely, the class of persons liable to become a public charge, usually known as "L. P. C. cases." As to these, no one can tell in Europe whether the primary inspectors who pass nine-tenths of all immigrants admitted, or the boards of special inquiry, will decide that certain aliens are L. P. C.'s or not. In many cases this depends upon the evidence presented to the officials by friends and relatives in this country. Furthermore,—and this is the second circumstance constituting a defect in the present law,—this phrase is so vague and elastic in its meaning that its interpretation varies or may vary with the rigid or lax construction and bias of the higher immigration officials.

There is no doubt in my own mind that the exclusion of most aliens held for special inquiry would be a gain to the country. But it is a hardship to the alien to make the voyage in uncertainty whether he will be allowed to land or not.

Hence the first thing to do in improving the Act of March 3, 1903, is to define "L. P. C." further. At present this is the largest excluded class, but it should be so defined that both the steamship companies and the aliens themselves should be able to tell pretty definitely before the aliens leave their native towns whether or not they are admissible. Any classification is bound to work hardship to some aliens, but in the absence of omniscience on the part of officials we must do the best we can, and the present system certainly puts an unjust burden upon both the native-born and the foreign-born population of this country.

The most important suggestions of the bill just reported to the House by Congressman Gardner, on behalf of the House Committee on Immigration and Naturalization (H. R. 18,673), look to defining in various ways the phrase "liable to become a public charge," or rather to define it more accurately, and also to exclude by additional provisions a considerable proportion of those intended by the previous law to be L. P. C. cases. The first of these provisions is the increase of the present head tax of \$2 to \$5. In my judgment this increase is not large enough. The head tax should be increased to \$10 or \$15, so that the United States shall no longer be the cheapest place for a person to come to, but shall be placed on a footing in this

respect with South America, Australia, and South Africa. This would result in our getting a better class of aliens to come here, and would make the steerage rate no higher than it was fifty years ago, when we were getting large numbers of the best immigrants.

Section 2 adds to the excluded classes "persons who are dependent for their support upon their own physical exertions, and who are certified by the examining medical officer to be of a low vitality or poor physique such as would incapacitate them for such work." As it stands, this provision is open to the same objection as the present L. P. C. clause; namely, that if some friend or relative comes before the board of special inquiry, and promises to care for the alien, he is no longer entirely "dependent" upon his "own physical exertions," and must be admitted. Experience shows that such oral promises are of little value in preventing aliens from becoming public charges. Moreover, we do not want such persons in the country at all, to be a burden upon our citizens and to become the parents of further dependants and delinquents. If the present wording is to stand, it should be amended to include all who are "*wholly or partially* dependent on their physical exertions." But a better provision would be to exclude all who are certified to be "physically or mentally defective, so that their ability to earn a living is thereby affected."

The Gardner bill also limits the privilege of assisting immigrants. Many L. P. C.'s are assisted to emigrate. But the bill should go further, and debar all assisted immigrants except those having wives, husbands, children, brothers, or sisters in this country, for the latter may be expected to look after their relations to some extent at least.

Section 38 of the bill excludes aliens over sixteen years of age, who cannot read some language, with certain exceptions intended to prevent separation of families. Time does not permit me to mention the strong reasons, which I have set forth at length elsewhere, for the adoption of this provision. Suffice it to say that, while it might debar some desirable immigrants, it is the opinion of most students of the question and of the Commissioner-General of Immigration that an illiteracy test would result in the selection by the steamship companies of a far more desirable and intelligent class of aliens, and would

result in the exclusion of large numbers who are properly L. P. C. cases, many of whom are now admitted. It has the advantage of being a very definite test, and one which would do away with the uncertainty which now often confronts the alien and the transportation company as to his admissibility.

Section 39 of the bill further defines "liable to become a public charge" by providing that, unless male aliens over sixteen years have \$25 in their possession, and female aliens and aliens under sixteen years \$15, they shall be deemed to be liable to become public charges, except that, if a head of a family has \$50, the female members of his family and the male members under eighteen years need not have any money. While this clause is likely to be evaded to some extent, both by the temporary creation of "families" and by arrangements to loan money to be returned after landing, it seems a very desirable provision. In substance the same requirement is now made under the British Aliens Act.

A further effort to safeguard the country against L. P. C. cases is found in the provision of section 20 of the Gardner bill, which extends the period within which those who become public charges from causes arising prior to landing can be deported to three years. It would be better to make it five years, and in any form it can never be a very effective provision. For, owing to the difficulty of identifying the public charges, only a small proportion in fact can be brought under the law. Thus, in 1904, of 396 aliens reported by the Massachusetts State Board of Charity to the immigration authorities as being public charges, only 77 or 19 per cent. were deported. The logical thing is either to stiffen the admission requirements to such an extent that the number of those becoming public charges will become very small, or to provide that all admissions shall be on probation, and that aliens who fall into any one of the excluded classes within five years after landing, whether from causes prior to or subsequent to such landing, in other words become not merely public charges, but insane, criminals, anarchists, and the rest, shall be deported, with perhaps some discretionary exceptions in cases of accident. As, however, such a plan is not very likely of adoption, it seems to me better to secure the rejection of all undesirable persons at the time of their seeking admission.

On the whole, the Gardner bill seems to me admirably calculated to cure the defects of the present law, and to exclude those who were intended to be excluded as far back as the law of 1891. Perhaps the Gardner bill is as far as it is desirable to go at present. If it accomplishes what I believe it will, it will be sufficient to protect this country from the most serious evils of immigration as at present conducted, and in large measure to secure the proper ancestors for the coming generations of American citizens. I most earnestly hope it will be enacted by the present Congress.

In addition to the Gardner bill, which is now pending in the House, there is a bill reported from the Senate Committee on Immigration by Mr. Dillingham (S. 4403, Report No. 2186), which is now on the Senate calendar. I have spoken more particularly of the Gardner bill because it goes further than the Dillingham bill, and includes most of the provisions of the latter. The Dillingham bill, however, is also an admirable bill as far as it goes. It increases the head tax to \$5; adds to the excluded classes "persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of such nature as may affect the ability of such aliens to earn a living"; limits the privilege of assisting immigrants to citizens of the United States or those who have declared their intention to become citizens, or women who have acquired a domicile; and limits the classes of persons whom they can assist to parents, wives, husbands, children, brothers, or sisters who are not otherwise objectionable. It also makes it unlawful for any transportation company other than railway lines entering from contiguous territory to bring in idiots, imbeciles, feeble-minded persons, insane persons, epileptics, or diseased persons under penalty of a fine of \$100, if such disease or disability could have been detected at the time of embarkation. The present law imposes this fine only in the case of diseased persons. The Gardner bill imposes the fine upon all transportation companies, but only in the case of tuberculosis or loathsome or dangerous diseases. The Dillingham bill extends the period of deportation to three years, like the Gardner bill. Both bills give the Commissioner-General

power to establish bureaus of information at the principal ports in order to promote beneficial distribution of aliens, and to supply them with information as to opportunities for employment, rates of wages, cost of living, and other useful information. Both measures also contain numerous administrative provisions intended to perfect and logically round out the existing law, but, while these are very generally desirable, they will not have any marked effect by way of exclusion.

If it is true that a further sifting of immigration is desirable, it is a mistake to pass a merely administrative bill, as this tends to side-track further legislation, and does not get at the root of the matter. For this reason, while the Senate bill seems to me desirable in every way, I trust that the provisions of the House bill may also be adopted by the Senate.

There are two proposed remedies for immigration evils which I wish to refer to, because they are much discussed, and because they seem to me not only of no benefit, but to be dangerous. The first of these is the transfer of our inspection machinery in whole or in part to the foreign parts. There is no objection to having a preliminary medical inspection by our surgeons at foreign ports in such countries as will permit it; and such permission could doubtless be secured by a discriminating head tax against immigrants from countries refusing the privilege of medical inspection. The report of Immigrant Inspector Marcus Braun shows also the value of having a considerable number of secret service agents abroad, watching immigration matters. But, apart from these two kinds of inspection, those most familiar with the subject are practically agreed that foreign inspection would be a mistake. It would involve a large expense, for practically all the existing machinery must also be retained. The difficulty of securing efficient inspection thousands of miles from direct supervision of higher officials and from public criticism; the difficulties of division of responsibility between foreign inspectors and those at home; and the fact that some of the information entitling an alien to land may be obtainable only in the United States,—all far outweigh any assumed ability to secure facts regarding the alien's history and character abroad.

The other proposed remedy for the evils of immigration is

distribution of aliens in this country. But this is an economic and social problem entirely distinct from the immigration question, and there is danger that in discussing this we shall forget the latter. Indeed, it is a favorite device of the transportation companies to try to bring about this diversion of the public mind from immigration matters. Distribution is all right in itself, but, if we attempt to distribute immigrants from the Eastern States, we shall create a vacuum into which still more aliens will be poured by the steamships, and the difficulty will soon be as great, if not greater than before. On this account nothing should be attempted in the way of distribution on a large scale until the laws are adequate to sift out the undesirable. Bad immigrants are just as objectionable in the South or the West as they are in the East, and the South and West does not want them.

Let us pass the Gardner bill promptly, and then study its effect. It may be all the legislation we shall need. At any rate, it is a moderate and practical measure, and the most important bill now pending in Congress.

II. DEPARTMENT OF JURISPRUDENCE.

INTRODUCTORY REMARKS.

BY HON. CHARLES BULKLEY HUBBELL, CHAIRMAN.

Ladies and Gentlemen,—The Department of Jurisprudence of the American Social Science Association desires, through its presiding officer, to welcome you to-night to the deliberations of this department. May I not hope that the size of the audience is in no way expressive of the interest that the city of New York takes in the science of jurisprudence? If I felt compelled to reach any other conclusion, I should feel discouraged as to the future relations of this department to our people.

There never has been a time in the development of our economic affairs in this country when the people have looked with so much confidence, so much reliance, and so much satisfaction to the principles of this great science for the adjustment and maintenance of our important and complicated affairs. In these days, when the artificial creatures of the law—corporations, trusts, holding companies, etc.—are challenging the law under this great system, and making claims oftentimes not in accord with established principles, it is well for us to feel that, so far as the future disposition of our affairs is indicated by the decisions of our court of highest appeal, we are justified in cherishing the confidence that we have ever had in our system of jurisprudence and in the application of its principles as interpreted by our highest tribunals. In these days, when appeals are being made to a so-called “higher law” than any of the laws familiar to the courts or recognized by our system of jurisprudence, we yield not to any discouragement, but look triumphantly to the annihilation of all such specious reasoning, in full confidence that under our sys-

tem of jurisprudence there is no higher law than the law that meets cold analysis, founded upon principles that are inseparable from the principles of right, that are co-existent with civilization.

In the very delicate relations between capital and labor, that are accompanied oftentimes by so much of irritation and where the interests of each side are so jealously guarded, there comes, after all the discussion, for our infinite comfort, the thought and belief that, in the final adjustment under this great system, there will be a disposition of these conflicting interests in which the rights of all will be given full consideration and justice and right prevail.

The present year has, perhaps, witnessed to a degree never before known in this or any other country an investigation, the importance of which cannot be overestimated, in which the reputations of great financiers have wilted and shrivelled, the outcome of all of which, however, promises a new era, in which fiduciary relations will rest upon a higher standard than has ever prevailed before, and will hold men to an accountability stricter and more exact than has ever been invoked before.

A gentleman, an expert in the consideration of matters of this kind, was expected to address you and to discuss the proposition last referred to, the caption of which appears on the program which you have in your hands; but Attorney-general Mayer, owing to a sorrow that has come into his household on the very eve of this discussion, is unable to be with us. We have, however, a very comfortable feeling in considering our loss, in view of the very able substitute who has, at a late hour, consented to present the subject to you. The name of Coudert has long been one to conjure with at the bar of New York; and in the memorial picture gallery of the departed great lawyers of this city, "on the line," as it were, is the portrait of a jurist by that name, who distinguished himself in his day and generation in a manner that has shed lustre upon the profession that he adorned,—a man distinguished by his scholarship and by his cultivation both in his profession and in general literature, and by a graciousness of manner that endeared him to all that came in contact with him. I was not willing to miss the opportunity to-night, in introducing his son,

to pay this passing tribute to the late Frederick R. Coudert, and I may be permitted to say in this connection, to those of us familiar with the promise and equipment of the son, that he will maintain the traditions of his famous sire.

I take great pleasure in introducing to the audience Mr. Frederick R. Coudert, Jr.

I. ADDRESS ON REGULATION OF CORPORATIONS.

BY FREDERIC R. COUDERT, PH.D., OF THE NEW YORK BAR.

My Friends of the Association,—I am a humanitarian, and, therefore, I take out my watch. It will be a monitor to warn me when I become an outlaw, which you doubtless trust will be very soon. The sorrow that I feel for myself at having been unexpectedly forced to show my hand and to draw aside the veil of silence which conceals so much lack of knowledge is only mitigated by the sorrow that I feel for you in having to listen, because, after all, you are too polite to go away, and I, as far as I am concerned, need not listen any longer than I want. So I have much the advantage.

You came expecting to hear the Attorney-general of this State talk to you about matters you know that he well understands, and you are now informed that you must listen to me upon these same subjects, which you do not know whether I understand, and on which point I am too modest to enlighten you. However, your chagrin cannot be greater than was my own when I learned a few moments ago that I was to take the place of the Attorney-general who had been so unfortunately detained. The only advantage to you will be that I shall have to confine myself to what the French call a *causerie*, a talk which has not the formal pomp of a lecture or address, and which you need have no hesitation in interrupting as frequently and as vociferously as you desire.

But I feel that I have another advantage in talking of matters relating to sociology. When one is only in the narrow domain of jurisprudence, one has to be reasonably precise, postulate general principles, and draw deductions; but, when in the vasty realms of sociology, there are no basic principles, all is haze, mist, and lack of exact knowledge, and one need not betray one's ignorance because, for whatever proposition may be advanced, some authority may be found in the dusty shelves of any library that possesses books on social science. Knowing that the absence of the Attorney-general is deplored by you as much as by myself, I feel like a client

of mine who suffered a great misfortune. Wishing to comfort him, I said, "It is one of the sad incidents of this life of troubles, and many others are also afflicted in the same way"; and he, being a pious man, replied, "Sir, it is to be hoped that that is so."

The Regulation of Corporations,—that is a high and pompous title, is it not? And yet the movement that we see going on all around us is not an isolated phenomenon: it is part of a great social movement, world-wide, extending to every department of life, not only from Maine to California, but throughout all Europe, and there can be nothing more utterly irrational than the emotion which many excellent people seem to feel when they discuss this question of corporations.

I presume we are not so unfortunate as our brothers on the continent of Europe, who are still agitating questions of religion and civil liberty,—controversies calculated to stir the human passions; but, when we come to discuss these dry-as-dust sociological questions, we manage to throw into them an amount of sentiment which, even if we do not feel, we think we ought to show when we talk of corporations. We are apt to think, when we talk about the iniquities of the Beef Trust, that we are getting square with our butcher whose beef we did not like last week. But this question of corporations is not a new one. If it is not as old as the hills, it is yet very old, and the corporations in the old days were regulated much more than they are now. Thus, in attempting to regulate them and supervise them, we are simply going back to an older and possibly wiser system.

There has been a movement in the last, I might say, thirty years,—in all matters of the history of opinion we cannot be very precise,—a movement to supervise and regulate these great aggregations of wealth. Why should it have begun only thirty years ago? Because up to that time business had not developed in this particular way, but had been developed largely on the basis of individualism. The rules of the road, for example, were simple things. "Keep to the right," if you cannot keep out of the farmer's way in any other manner. It is a simple proposition, and even a sociologist could understand it. But inject into that simple bucolic situation a great steam-engine, forty, fifty, or one hundred horse power, and

an engineer of only fifteen days' standing, and the whole situation is changed. Nothing is changed in human nature, nothing is changed in the law, but immediately you have to have a new kind of legislation to put the automobile policeman into being, otherwise the motor engine is attended by slaughter, death, and carnage. There is a change in the situation, which has nothing to do with the fundamental principle as to whether we should regulate or interfere with individual liberty or not. We need not interfere at all, if the farmer with his plough horse keeps to the right of the road, but we have to interfere if the motor fiend goes ninety miles an hour in the highway.

So, I say, the regulation movement of recent years is nothing in the world but a part of the general movement of self-defence on the part of the community, because conditions have changed so that it is necessary to keep the individual, who is running madly in his automobile on the public road or stock-jobbing with hundreds of millions, within bounds, or the community must suffer.

There was a wise man in England a number of years ago, Jeremy Bentham, the founder of the *laissez-faire* school. His theory was "the greatest happiness of the greatest number"; and this, in his judgment, involved the letting of the individual alone to work out his own good with as little law as possible. His idea of government was a mere police power to prevent A from physically cutting the throat of B, but to have no concern with economic throat-cutting, and letting A go about his business freely. His theory was tremendously well received in England, because conditions were ripe for it in that part of the world. In the first place the individual was at every step hampered, tied down, and bound by all kinds of ancient and feudal regulations, which had nothing to do with the well-being of the community. A short time before Bentham would have been called a revolutionist; but, as he had wealth and position, he calmly formulated his theory in a philosophic way. He explained that what he wanted was not the rights of man in the abstract, but merely that the greatest number of individuals should enjoy the greatest happiness, which result might be brought about under the least possible legislation. He therefore met a response from all Englishmen, because they were suffering from great abuses, and had no other theory under

which they could formulate their grievances,—the removing from the individual of these fetters. As Bentham says of the England of his day, the farmer sows grain, the partridges come to eat it, the farmer attempts to shoot the partridge, and is taken to jail, where it is decided that he was justly brought there, because, although the farmer sows the corn, certain men who sow no corn have a right to shoot partridge. A workman finds his profession or trade overstocked, and he attempts to enter another, in which there are not enough workmen, and he is told, “You have not served an apprenticeship at this trade.” He replies, “But my own trade is overstocked, and you have not enough workmen.” He is told, “The common law of England will not permit it, and these laws are sacred,” and he goes to the poorhouse. A man goes into another county—there was no work in his county—quite willing to work, and he is told, when he gets there, though they wanted workmen in that county, that he could not work, because in time he might fall into the poor relief, and that that county did not want to support him, so he was bound to return and be a pauper, whether or not. So it was at that juncture that Bentham and John Stuart Mill, the great lights of the school, adopted the doctrine of *laissez-faire* until the time came when their ideas destroyed the feudal laws, and gave the individual liberty which helped England to prosper for many years.

A professor of sociology said to me some time ago when I told him that I supposed his must be a very laborious profession, indeed, “No, it is not so laborious, because in sociology there are no principles at all, so it is not a very difficult science to teach.” As there are no principles in sociology, while it happens that the principle of *laissez-faire* is very good in favor of the man who planted corn and did not wish to have the partridges eat it, it would not work at all if directed against the great railroad or traction companies, because the conditions are different. The principles of *laissez-faire* were very well suited to English society at that time. They became a fetish, and were embodied in Herbert Spencer’s *Man v. State*, the last word and best word on the *laissez-faire* doctrine.

It was a good principle, but, of course, Spencer deduces it

largely from physical science, and the science of life generally as to the survival of the fittest and the idea that, if we were left to the influences of nature, the fittest would survive; but the answer was that the great mass of the people would find themselves unfit in a very short time, and, as the mass make the laws, it is unlikely they will acquiesce. But Mr. Spencer pushed the doctrine to the extreme. He would have pushed it to such an extreme that it would have prevented any legislation to prevent the automobile abuses, because he would have argued that the driver would learn in time that it would hurt his machine to travel at such high speed, and the farmers of the road, when a generation or two of them had been killed, would learn that it would be well for them to become extremely careful, and they would develop into more cautious people. It is a good argument, but not one to find ready response in America,—outside of automobile circles.

Questions of sumptuary legislation come before the courts, and are determined largely by the feelings and opinions of the day. Recently a very interesting instance of that kind came before our Court of Appeals, and was then translated to the lofty domain of the Supreme Court of Washington. It was the bakers' case, regulating the hours of those who bake our bread. There was a statute of the State of New York that men working in a bakery, men forced to cook late so that people can eat their bread in the morning, should only work eight hours. It was claimed that that was an interference with human liberty on the principle of *laissez-faire*, once so valued in our domain of thought that our political philosophy, so far as we had any, was based on it. A man who wanted to make a contract to work twelve or fifteen hours had a right to do so without interference from the State, it was claimed. So the question had to be decided, and the legal basis for opposing the law was the Fourteenth Amendment, providing that no State shall pass any laws interfering with the rights, happiness, or liberty of an individual, and that all are entitled to the equal protection of the law.

So the question came up whether it was a reasonable regulation that bakers should only work eight hours, or whether that was depriving them of civil liberty; and the court took the view of Mr. Spencer and Mr. Mill, and decided that was

an interference with human liberty; if the bakers wanted to work more hours than eight hours and suffer from the ills, diseases, and troubles incident to such a laborious profession, and people wanted to eat bread made by men who worked in that way, they were at liberty to do so. The law was held to be unconstitutional. Now any man who wants to bake can do so; and the baker can work as long as he likes, and the State will not interfere. But Mr. Justice Holmes, who is a very wise man and who ought to be a member of our Association, because he knows that there are no principles in sociology, said, in effect, in dissenting:—

Laissez-faire is an economical theory. If I could devote a lifetime to studying it, I would state whether or not it is a wise theory; but I am unable to find that the Constitution of the United States has embodied anybody's economic theory, and, whether the judges like the theory or not, it is not found in the Constitution.

He does not believe that the Constitution intended to embody in it the principles found in Herbert Spencer's "Social Statics." His view is that the wisdom of such legislation is a question to be settled by public opinion, not by the courts; that, if a majority of the people feel that such a law is a reasonable and proper regulation, there is nothing in the Constitution of the United States to prevent their embodying such notions into legislation. This is one of the many instances which we see on all sides of us of the pressure of the State on the individual, and it is thought by many to bear upon the liberty of the individual much too heavily.

Our President, so active-minded as to be able to throw light on almost every public question, has recently propounded the question of an inheritance tax as a remedy for our richness. I do not know whether any of us are suffering from that disease. Possibly some are: I never suffered from it myself. Those who are suffering from that trouble are to be cured by an inheritance tax which will lop off the amount which renders them diseased and unhealthy, and the plutocrats are thus to be kept in the delightfully healthy condition that most of us feel ourselves in. Whether this is feasible or

not, I am not prepared to say. Personally, I feel there is something attractive in the theory, but, speaking as a sociologist, I should be devoid of all human emotions; yet perhaps my sentiments are in some measure due to my bank account. It is urged against the theory that it interferes with the right of a decedent,—the natural right to give property to whom he likes. I say that, as far as sociology and comparative jurisprudence teach anything, they teach that there are no natural rights; but if there is any natural right, it is the natural right of those brought by a testator into existence to share in his property. Full liberty of testation is unknown to continental systems of jurisprudence to-day, and was late translated into the English law from the Roman Civil Law.

The President did not mention the French law, which seems to me to have some great advantages. There is no liberty of testation in France, the land of natural rights. There is no right to give your property, at death, to whom you please. The individual is forced, if he has children, to divide it among his children, retaining for himself only a proportionate amount. If he has three children, it must be divided into four parts, one part to each of the three children; of a fourth part only, he may freely dispose.* That is an instance, perhaps, of what the President had in mind,—of some law preventing the dead from handing on more than a certain proportion to any one person. The French system shows that there need be no inherent right of testamentary disposition in a most highly civilized community. It is a right of modern growth, and it has been held by our highest courts that the right of inheritance is not a property right, but a privilege, and is fully taxable by the State to any extent that it chooses. Therefore, the ideas of our President in that respect seem to be in accordance with the trend of the courts as to limitations on individual rights. I believe this trend is called by the ordinary folk "Socialism" and by the sociologists "Collectivism." I shall not attempt to define it, but I will call it "Collectivism," since it is less alarming than "Socialism."

To say a word before closing about the subject of this discourse, "The Regulation of Corporations." There are two questions, it seems to me, broadly speaking:—

*It is a kind of universal application of the mortmain theory.

"How far should corporations be regulated?" and "How far can they be regulated under existing constitutions?"

By the first, we mean, How far is it expedient that you and I, as citizens of supreme wisdom, should advise our fellow-electors to regulate them: and, by the second, How far are we, by the action of past generations, under restraints which prevent our carrying our will into effect at present? That is to say, How far are we limited until by methods either of judicial interpretation or direct amendment we have so amended our constitutions as to put our present wisdom in the place of the wisdom of our ancestors?

"How far is it expedient to regulate these corporate bodies?" That, it seems to me, is a question of degree. I do not believe there is any great section or body of our people who think all the public utilities, railroads, etc., should be turned over to the State or municipality. If the State could perform it cheaper, better, more wisely, I would say that we would all say, Let the State do it. If the State can do it better, let it do it; but our answer to the socialist may well be, Will the State do it as well as the individual under proper regulation? Let the individual do it as now; but let us see that the thing is so regulated that the public get what they ought to have, and at the same time the individual is allowed enough security and enough return upon his money to make it worth while for him to use all the brains and all the knowledge that nature has given him. Do not let him be a salaried employee of the State, whose sole object will be to find out the best manner of not doing anything. We have met them. We would not like all these utilities to fall into their excellent, sometimes venerable and not always clean, hands.

There is nothing mysterious in the nature of "Corporations." There is nothing extraordinary about it. It simply happens that industrial conditions have so changed that it is necessary to have great aggregations of wealth in one form or the other to meet modern requirements. Almost any of us could have managed to raise enough capital, from our friends at least, to run a stage-coach in the old days, and needed no franchise from the State; and in those days the State would not have had to regulate us at all. We would only have had to get good horses, a good coach, and try to regulate the drinking

of our coachmen,—that is about all the regulation a stage line would require. There would be no need of public supervision, simply a question of letting the individual alone. See that he drives well and collects all the fares he can, and drives as fast as he can, short of killing his horses, and the thing will work out nicely.

But, when the railroad came, the question was different. It took an enormous amount of capital, and much State control had to be exercised. If you did not like the stage-coach, you could take your own wagon and run in opposition; but we cannot, any of us, build railroads. It is a capitalistic monopoly, in the nature of things. The evils incident to a railroad would be just as great if it were owned by an individual, by any single rational individual looking wholly to his profit. It would be just as vicious as if run by that monstrosity, the corporation. Now it happened that no one individual had enough money to run railroads, so it was necessary for a great number of individuals to combine their capital, and the State gave them certain rights as a group, they became a corporation. The corporations that were known before were largely public, eleemosynary, and religious. Business was done by the individual. He required little capital, or by a partnership if more capital was required. When individuals got together in groups and were incorporated, the situation changed only in this, that the rights conferred upon the corporation were purely creations of the statutes. The rights of the individual were supposed, of course, to have existed antecedently to the State, but on the creation of the corporation the State conferred on them definite rights.

The lawyers long ago invented a fiction that a corporation is a person,—an artificial person. Well, a corporation is very glad to be a person, because a person has many rights protected by our Constitution,—national rights. So the corporations immediately seized upon and cherished the fiction. In regulating the actions of persons, the law-makers are limited, for the Constitution says that a person shall not be deprived of his life, liberty, or property without due process of law. His pursuit of happiness shall not be interfered with in any way; he shall only be tried by jury; shall be compelled to give no testimony against himself, nor be subject to unjust search

or seizure; and various other rights and immunities. These have sometimes been held to apply to artificial persons, and the corporations claim these rights.

Now that brings us to a second question. Assuming that we all agree that all these great industrial entities need regulation, that no change in our general principles is necessary because we have already departed from the *laissez-faire* school because industrial conditions have so changed, how much can we regulate them?

It is admitted for instance that we cannot take property without due process of law, even though the property belong to a corporation. This result which the lawyers reach is perfectly sound; but the reasoning by which they reach it, from the standpoint of the analytical logic that you and I as members of this Association employ, is unsound.

A corporation is not a person at all in any real objective sense. The framers of the Constitution never dreamed that the word "people" included a corporation. It never occurred to them for a moment, and they would have laughed at it. Why cannot we take their property? Not because this intangible union is one of "the people" and has rights as such, but because the real holders of the rights are persons, and you cannot take their property without due process of law. If the whole population were exterminated and the legal fiction, the corporation, left, their rights would be worth nothing. So the rights which belong to the corporation belong to a certain group of individuals; and you cannot confiscate the property of the Metropolitan or the Steel Company, because in doing so you would deprive individuals of rights that they have. If there was only one man in the world, he could have no rights. Property rights are powers over things or persons. You must have property and have individuals, in order that rights may exist. So that the protection which the corporation gets is because it is composed of individuals, and not because of the fiction that it is a person.

This question came up the other day in the United States Supreme Court in the Tobacco Trust case. The Tobacco Trust had been asked to show its books and papers; and, under the advice of very able counsel, feeling that it should have all its inalienable rights of man, it stated it was protected by the

Constitution, and the treasurer refused to answer questions because it might incriminate both the corporation and himself. He refused to furnish the books, claiming it was an unreasonable search, and that he was protected by the Constitution. The court held, by a majority of one, that his position was unsound. They reasoned, "You may be privileged, as far as you are concerned,—you cannot be prosecuted,—but you are only the agent of the corporation, and that is not a plea that can be made by the agent for somebody else,—the corporation,—as in making it you are making it as an individual." And by that plausible reasoning they overruled his plea, and held he must answer.

The question of the books and papers was more difficult, because they belonged to the corporation. The court seemed for a moment to meet the question quite firmly, and said in substance: "This is a plea that cannot be made by a corporation,—that is a right belonging to a person. We say that a corporation is a person, but that is only a mode of speech. We will not resort to that fiction. The prohibition of the Constitution does not apply to corporations, creatures of legislation not of nature, and they must show their books and papers." But the court goes on to say that there might be cases in which the search and seizure would be so unreasonable that the corporations could plead it, so they avoided deciding the question squarely. Justice Harlan, concurring, says that corporations are not persons within the meaning of the constitutional amendments. Thus, while the government got the best of the argument, the law was left in a sad condition of uncertainty, though endurable for lawyers, perhaps, as possessing great potentialities of litigation. Justice Harlan has summed up the true situation when he says the word "persons" was not intended in the Constitution to apply to corporations.

The rational view is that you cannot deprive the natural person of his property because it is put in corporate form. A corporation is a form of doing business, nothing else, in which the State has an interest. When you state that you do business as a corporation, you submit to incidental supervision upon the part of the State, and it is right for you to submit to its examination. But if you were an individual, possibly

in the same business, it might be the search would be reasonable and proper against you as a corporation, but not as an individual.

So I say that, so far as the second question is concerned, the national Constitution, in which the wisdom of our ancestors is embodied, has not as yet prevented us from supervising and regulating corporations falling under Federal law. One thing that may stand in the way of this regulation is that property shall not be taken without compensation; but it has been held that, where corporations are performing public business, the Congress or State legislature could fix rates that are reasonable, and the only limitation to such fixing is that they shall not be confiscatory, they must have a fair rate. So it does seem that under such circumstances the Constitution is broadly interpreted, and the interpretation places in the way of the legislature restrictions which are perfectly proper, and which are perfectly compatible with regulating corporations up to the point of destruction or confiscation.

An interesting question came up the other day in a case as to that very thing that we were talking about,—the right of officers of corporations not to be questioned about their business. You will remember that in the Beef Trust case they pleaded privilege. Some people call it the "privilege of the burglar." They pleaded their privilege on the ground that the Commissioner of Commerce and Labor had already examined fully into their affairs, and obtained from them certain information under compulsion of law, and the judge decided that that was illegal, and therefore they escaped prosecution. It seemed to us a little strange at the time, but probably he was technically correct. The President is somewhat of a socialist himself, and saw fit to call the attention of the country in general to this decision and ruling of the Federal judge. He did see fit to comment on it, and some people were unkind enough to say that his action was unprecedented. You and I know it was not unprecedented because our memories go back further, and we know that a long time ago very much the same question was raised. The good King James was very much discontented with an individual named Coke, chief justice of the King's Bench, whose decisions were, in the opinion of King James, not according

to law. It led to a controversy, and the king immediately requested him to revise his opinions, which he, being an obstinate man, refused to do satisfactorily, and then James immediately, instead of decapitating him,—as he might have done,—sent him to jail, so that you see there are precedents in history for almost everything; and Mr. Gardiner, who is a wise historian, says that, while the verdict of history may seem to be against King James, he does not think that is the sound view. Bacon stated that James was right, and that judges should not decide questions of constitutional law. The verdict of history, in this country, is that the judges should decide these questions. Mr. Gardiner thinks the only proper way to decide these questions is to decide them as in England, by Parliament. King James he thinks was right in his position as far as Coke was concerned, and only wrong in wishing to take the power to himself instead of letting Parliament have it. Our President does not desire to take the power himself. His desire is to have some legislation from Congress which would prevent a repetition of such a decision as that of the Circuit Court in the decision of that case. De Tocqueville, referring to matters along that same line, said that, if the power of interpreting constitutional law in France was placed in the courts, it would be a most evil system, because then the judges would be the dominating power, as far as the weakness of the judicial power would allow of it. So that, after we have looked over the question, we find that America is the only country in which constitutional limitations or regulations are really made by the courts, because it is a pure fiction of the law to say that the Constitution fixes them itself. It only determines them as it may be interpreted by the courts, and that interpretation is constantly shifting with the changes of view in the courts which reflect public opinion. Thus that tremendous power which in England and France is confined to the legislative body, in this country is found in the court. This furnishes additional reason why all our people should be respectful of the courts, and should take care that the courts be worthy of this respect.

I would say, in closing this very informal and fragmentary discourse, that we have come to no definite conclusion because it would be unscientific to do so. Society has been evol-

ing for a great many hundred years, and I know of no definite, positive, fixed, logical formula which could help us to determine how far State regulation should hamper men's liberty. As far as I can see, we must try to think dispassionately of these questions, in the same frame of mind as the chemist does when he analyzes chemical substances in his crucible. We must not consider that a thing is evil merely because it is a corporation. Remember that the methods of business have changed; that general rules as to the rights of individuals, which served well fifty or sixty years ago, must be disregarded to-day because conditions are changed. The laws are now such that no man has a right to amuse himself by giving the small-pox to his neighbor. The doctor can force him to go to the hospital to be vaccinated whether he likes it or not.

The greatest good of the greatest number requires that a certain amount of corporate regulation should be brought about, but before acting we must be sure that the regulation will not be worse than the evil we are trying to combat. It is not safe to assume that unwise laws are better than none.

THE DISCUSSION.

HON. CHARLES BULKLEY HUBBELL, CHAIRMAN.—The subject of the contingent reward of the lawyer in connection with his professional labors forms a subject that has been much discussed and as to which our courts have occasionally been called upon to contribute their wisdom and to define the relation of one to the other. The lawyer in some of the Continental countries is still deriving great satisfaction through the bestowal of the honorarium that came down from one of the most ancient forms of the administration of the law, where the generous and more or less satisfied client, at the conclusion of his counsel's labors in his behalf, paid as the nature of these circumstances suggested; and we observe that the theory that "the laborer is worthy of his hire" has generally manifested itself in a very prompt expression of speedy and generous payment. Lawyers' fees have sometimes impressed the laymen as being very generous. Recent events have shown that men can seriously conclude that in a short space of four or five months they can earn from \$40,000 to \$50,000 in a single proceeding. I am not disposed to contend but that such estimates may have been just, but, as they say up in my part of New England, they look "dreadful big."

It happened not long ago in this city that a laborer who thought he had been worthy of his hire, in looking up suddenly, saw come down from a

higher elevation above, a hard, square object, which struck him on the head and threw him violently to the ground. He had been hit by a brick. He was carried home, where his family sent for those missionaries of misfortune certain to turn up on such occasions, the doctor, lawyer, and priest, who speedily presented themselves. The physician's services, not being extensively required, were soon dismissed; the priest saw he was out of business, and retired also; but the lawyer lingered, as he sometimes does linger, under such circumstances, for the benefit of those whom it may concern, and incidentally himself. He suggested that an action should be brought, and that a contingent fee would be the best way of disposing of the matter of compensation. Pat said, "I don't know about the contingent fee, but you had better bring the suit." In about a week the lawyer came back, and took an envelope from his pocket, and said: "Pat, here is \$2,000. I have settled that damage suit." The plaintiff took the money,—twenty one-hundred-dollar bills in the bunch,—and said, "So you have settled that suit?" "Yes, I have." "What did you get?" said Pat. "Well, I got \$10,000. Don't you think I did well?" said the lawyer. Pat scratched his head, and seemed to be in a brown study, when the lawyer observed, "You seem to be a little confused about this," when Pat replied: "I am. I was thinking was that your head or mine that was hit by that brick."

The situations that arise by reason of the confusion that follows the administration of the contingent fee system have been demoralizing, and in the minds of many there is every need of radical reform.

Mr. John Brooks Leavitt, a distinguished member of our bar, has consented to address you on this subject, and I take great pleasure in introducing him to you.

2. THE ABUSE OF THE CONTINGENT FEE.

BY JOHN BROOKS LEAVITT, OF THE NEW YORK BAR.

In the discussion of this subject it is my purpose to treat it as one which presents an ethical rather than legal question. The three professional relations,—of priest and penitent, physician and patient, attorney and client,—covering, as they do, every interest of the citizen, whether of soul or body, of property or liberty, are of necessity sacredly confidential. In every country where courts exist so as to enable its inhabitants to go unarmed, anything which tends to impair the individual's right to consult with freedom and confidence a priest, physician, or lawyer, should not be allowed to pass unnoticed by an association of men, who are interested in social questions.

The ideal relation between attorney and client may be described as one where the client obtains the honest advice and faithful service of his lawyer in matters affecting his life, liberty, and pursuit of happiness, in return for which he gladly makes reasonable compensation, dependent upon the time during which, and the skill with which, such services were performed.

Until fifty years ago it was not permissible for the client's legal adviser to have any pecuniary interest whatever in the subject-matter of his advice or conduct, and any special contract whereby the attorney sought to procure for himself more than the reasonable value of his services, or to obtain an interest in the proceeds of a litigation, whether absolutely or contingently upon its success, was null and void. This was thought to be the only way by which clients could be safeguarded against the predatory instincts of their protectors. The apothegm of the Latin poet includes lawyers. We are men, and nothing human is foreign to us. The law recognizes the frailty of human nature, and seeks to protect the weak against the strong. Every relation whereby the person or property of one is in the care of another is buttressed with regulations devised to meet its particular necessities. For example, an agreement between a captain of a ship and a passenger for

compensation for services in saving the passenger's life in case of a storm would be void, even if there were no other passengers on board. And so arose the rule which prevents schemes by lawyers to get their client's property under the guise of charges for services. They were limited by the measure of reasonable amount, *quantum meruit*, as it was called.

But, when the machine age came in, when railroads were laid and accidents grew in number, whereby many poor persons lost their lives or were maimed for life, a change in the law became imperative. On the one hand, it would be a horrible injustice if, after a man had through the negligence of another been deprived of his ability to earn his daily bread, he should be unable to obtain redress because of inability to pay for the legal services necessary to secure it. On the other hand, it would not be just to his champion if, in face of the certainty of giving unremunerated service in the event of failure, there should not be allowed an increased fee in the event of success. The relation of returns to hazards in the case of investments affords a fair illustration. Safe investments bring low interest or dividends. If, however, you incur a risk, it is reasonable for you to expect a larger return.

Thus it came to pass that in 1848 New York changed the old rule, so as to permit attorney and client to bargain as to the former's compensation. About the same time other States passed similar laws, and the contingent fee soon came into vogue all over the country as an established feature of our institutions. What has been its effect upon the bar, the bench, the litigant, and, above all, upon the relation of attorney and client?

Surely, it is not out of place for a social science association to turn aside from other subjects, even more important if you will, and inquire as to the lessons to be drawn from our fifty years' experience with the contingent fee.

My choice of this topic is due to a recent decision by one of our Appellate Courts. It has a bearing upon the relation of attorney and client which, I suspect, was not in the mind of the court. Otherwise, it would be unaccountable. Although I must discuss it, I shall do so in an impersonal way and with as little of professional jargon as possible.

If the logic of that decision be sound, the law is no longer a

profession, but a trade; the lawyer not a professional man, but a trader; his emolument not compensation for services rendered, but profits from a bargain. If it declares the law correctly, the old-time confidential relation between attorney and client exists no more, and has been replaced by that of bargain and sale. In other words, a lawyer is no longer under any obligation to guard his client against himself. He is simply a man who sells his services for so much cash, actual or contingent, and the buyer must look out for himself.

Now, if this is really the outcome of that wise enactment of fifty years ago, which legalized agreements between attorney and client as to the former's compensation, then has the time come for us to bestir ourselves so as to avert such consequences.

No attack upon the contingent fee is intended. As "the poor man's fee," it is a necessity in a country where disregard for law is so prevalent among the powerful. It is the only means whereby champions may be obtained "to help the fatherless and the poor unto their right, that the man of the earth be no more exalted against them." In an unsolicited case it is entirely proper. That it has demoralizing tendencies cannot be gainsaid. That something should be done is equally clear. A flood of litigation, much of it fraudulent, is submerging us. Our calendars are overburdened, our judges overworked, our profession being turned into a band of prowlers for prey. And now comes an Appellate Court, and adds to the turmoil by handing down an opinion which may justly be styled a judicial apotheosis of the contingent fee!

Let it be borne in mind that no position is here taken in respect of retainers. An agreement to pay a retainer is totally distinct from one for compensation, rests on different grounds, and could not be discussed without an examination of the law of England prior to our Revolution. Whether a stipulated retaining fee, pure and simple, can be recovered by suit in this country, has never, it is believed, been up for decision in our courts. My discussion is limited to agreements for compensation, which were validated by the Field Code of 1848.

In order to bring out most clearly the unfortunate error, into which the learned tribunal fell, in my humble judgment, and the principles which should have been applied, let us first take a supposititious case.

Suppose a creditor of an embarrassed debtor were to meet a lawyer on the street and to ask him how much he would charge to prosecute a large claim to judgment and execution against a man who would desperately defend, and the lawyer were to answer \$1,000 upon collection, and the creditor were to reply that this would be satisfactory, and he would send the papers to the lawyer's office at once. Further suppose that, after parting from the lawyer, he should fall into a compassionate frame of mind, and, remembering that an enforced collection of his claim might result in his debtor's failure, throw a wife and children as beggars into the street, and he, after all, could afford to wait for his money, he should next day write to his lawyer that he had changed his mind and would not sue. Then suppose that he should receive a letter from the lawyer to the effect that he had made a contract by which he had agreed to pay the other a sum of money for services to be rendered, that he had broken his contract, that the lawyer had been damaged thereby and was entitled to recover as damages the amount agreed between them, whether it be called "compensation," or the "value of the contract," or "profits." Naturally, the client would expostulate, and ask if it were to be seriously expected that his leniency to his debtor should involve him in such an outlay. But suppose he were to receive a reply that his charity must not be at the lawyer's expense, and the amount must be paid or suit be brought to recover it.

Or, suppose that instead of sympathy for his debtor the client should have an accession of indignation, should feel that he must have the money, and soon, lest he himself might be embarrassed, and should think that the lawyer in question was perhaps not the best man to push a backward debtor to the wall, and should change his mind, not as to suit, but as to the lawyer to conduct it, and should employ another, and the first lawyer on learning that the other had been successful in collecting the money should then bring suit for the \$1,000.

Suppose, further, that counsel's opinion should be asked as to whether there was good defence in either case. Can it be doubted what that opinion would be? Would it not be somewhat of the following tenor?

It is to the interest of the republic that litigation should cease. Therefore, an agreement between attorney and client, by which

the latter binds himself not to discontinue a litigation once begun, is void as against public policy. And, further, it is a fundamental principle in the relation between attorney and client that the latter can always change his attorney at will without giving any reason and without any condition, except that he make reasonable compensation for all services rendered to the date of change. The fact that there is an agreement for a contingent fee does not override the client's right to change his mind as to his suit or his lawyer. Justice to the lawyer in such a case, in respect of services already rendered, is done by requiring a present payment or by permitting him to retain such a proportional interest in a contingent fee as will be fair to both. The courts have, in many instances, thus solved the problem arising where those two rights come in conflict. Public policy requires that the lawyer's right to earn the full amount shall not be more sacred than the client's right to abandon a suit or change his lawyer.

Moreover, an agreement between attorney and client as to compensation for services in the prosecution of a suit is to be construed as being nothing more. There is a plain distinction between an agreement to prosecute a suit and an agreement to compensate for the services in it. It is only the latter, and not the former, which has been legalized by section 66 of the code. The language of that section is carefully worded, so as to preclude any suggestion that an agreement for compensation, whether absolute or contingent, gives the lawyer a right to control the litigation. "The compensation of an attorney or counsellor *for his services* is governed by agreement, express or implied, which is not restrained by law." That is to say, the law having heretofore restrained all such special agreements, the counsel being confined to a retainer and the attorney being given only the right to recover in *quantum meruit* for services actually performed, that restraint is removed. What, then, is permitted? Simply that the compensation "for his services" may thereafter be the subject of agreement, express as well as implied. Nothing more. Such agreements, like all other contracts, must be in harmony with public policy. Services in full, compensation in full; services in part, compensation in part; no services, no compensation. Such must be the rule, if section 66 is to be interpreted so as to conform to

the public policy which controls the relations between attorney and client. That an agreement governing a lawyer's compensation can be tortured into a contract whereby either party to it may recover damages for the refusal of the other to proceed with the litigation is a proposition which cannot commend itself to sober judgment. This view is just as necessary to protect the lawyer as the client. There can be no right in the one to sue for a breach without a correlative right in the other. If a lawyer, thinking that his client has a good cause for action makes a contingent agreement as to compensation, and then finds a decision which, in his opinion, prevents recovery, is he bound nevertheless to go on with the suit? If the measure of damages in favor of the lawyer against the client, in case of the latter's refusal to go on, is the amount agreed on as compensation, what would it be in favor of the client against the lawyer for a like refusal? What a sea of litigation opens up to view if the permission for them to make special agreements as to compensation shall be held to govern them in any other respect!

Again, what becomes of the rule that in all agreements between lawyer and client the burden of justifying the agreement is on the lawyer? The maxim, "Ignorance of the law excuses no man," does not apply to the client in such a case. It is because he is ignorant that he goes to his lawyer. Now, if in making a bargain with his client the lawyer omits to tell him something which, if told, would be likely to prevent or modify the bargain, it is the clear duty of the lawyer to make it known. Would any client enter into a contract such as the one under consideration, if he were advised by his lawyer that the moment he made it he would have to go on with the suit, whether he willed or no? Would he not do a little contingent business on his own account, and make his lawyer's contingent fee contingent upon his wishes rather than those of his lawyer? Consequently, if the conversation in question is to be regarded as a contract, which commits the client within a reasonable time to prosecute a suit through that particular lawyer, the violation of which by the client subjects him to a suit for damages, that contract is void, if the lawyer fails to make such a liability known to the client at the time of making it.

But some one may say, How is it possible for any court to

hold otherwise? An appellate division of the Supreme Court did so in a case reported in 102 App. Div. 573. That was a case where a layman met a lawyer on the street, and had a conversation which in all material respects was the same as the one supposed. The layman changed his mind, not as to suing, but as to the lawyer by whom he would sue, and upon a recovery through the second lawyer was sued by the other, who had never performed any services and had never even had possession of the papers. That layman was cast in judgment in the sum of \$25,000, which was affirmed on appeal.

The head-note is as follows:—

Where a person, after employing an attorney to prosecute a number of claims and agreeing to pay him as compensation for his services five per cent. of the amount of the claims collected by him, refuses to allow the attorney to collect the claims, and employs another attorney through whose instrumentality the claims are collected, the attorney first employed is entitled, in an action to recover damages for the breach of contract, to recover the five per cent. agreed upon, whether such five per cent. be called ‘compensation,’ or the ‘value of the contract,’ or ‘profits.’

Strange to say, in a case of first impression, which involves so deeply the relations between attorney and client, upsets their sanctity, reads out of them all idea of trust and confidence, and reduces them to the level of bargain and sale, there is a total silence on the part of the court in respect of such considerations. The court decides that a conversation like that supposed amounted to a contract by the client to sue through that particular attorney, and then assumes the validity of that contract without so much as a thought of the great question of public policy involved therein.

Stranger still, not only was there a failure to apply the theory of professional relations, but in applying the commercial theory the court did not apply it correctly. Since when has a merchant, in recovering “profits” as damages for breach of a contract to deliver goods, been allowed to recover the whole contract price? Profits of a contract to purchase goods are the gains over and above the contract price. If lawyers’ gains are profits, then they must show what those profits would have been over and above their expenses. Since when has a

wrongfully discharged employee been allowed to recover the full amount of wages or salary, if he has earned anything meantime? If a discharged lawyer is to have the rights of a discharged clerk, must he not give account of his earnings meantime, and credit them on the amount sued for? Since when has a contractor for a building, which the owner refuses to allow him to erect, been allowed to recover the contract price without deducting the amount which the building would have cost? If lawyers are to be viewed as contractors to build up lawsuits (and it is whispered that such is the "business" of some), must they not show the cost of the building before "the value of their contract" can be ascertained? Yet, in the case cited, the whole \$25,000, which was to cover everything, including the attorney's expenses and costs, and fees of court and printing briefs, and all the other innumerable items of expense for conducting a lawsuit through the lower courts to the Supreme Court of the United States, was awarded without any deduction for such expenses in carrying out the contract.

Shall lawyers, who are anxious to uphold the traditions of an honorable profession, accept as sound a decision which destroys them? I shall, therefore, without further parley, proceed upon the assumption that it was due to an unfortunate slip of a cog in the judicial mind, and use it as an illustration of the demoralizing tendencies of the contingent fee, against which neither bench nor bar are able wholly to make a stand without a more resolute effort than is apparent at the present time.

I have touched upon this decision somewhat at length, because it marks a culminating point in the abuse of the contingent fee, and presents an imperative reason for the proposition that the time has come when such abuses must be stopped by adequate regulation. Offences against the criminal law, such as subornation of perjury and champerty, which are among the well-known results of the contingent fee, may safely be left to be dealt with by the criminal authorities. But when the commercialization of the profession has reached such a height, or rather depth, that lawyers are willing to sue their clients for money which was never earned, and courts uphold such suits upon grounds which impair the confidential relation of attorney and client, inaction by the bar at large is no longer permissible.

In our sister borough of Brooklyn a curious evolution in the business of the ambulance chaser has taken place. Once he was the servant of the lawyer who was "working up a practice" among the victims of negligence or libel. Of late he has become the master. He may no longer be called the ambulance chaser hired by some lawyer to drum up cases and bring them into the office. He should be given a more dignified name,—litigation purveyor on his own account. My information comes from no less a personage than a judge of the Supreme Court, who told me a short time since that the men engaged in that business sell cases in bulk, which they have obtained by personal solicitation. They go from one office to another in search of the attorney who will give the largest lump sum, cash down, for the lot. The middleman shows his wares and gets his bids,—\$50, \$100, \$150,—and, having knocked them down to the highest bidder, goes on a fresh quest for more. I can well believe this by reason of a recent experience of my own. Within a month I received a letter from a person writing as if we were acquaintances, though I did not recall his name, and wanting to know if I could recommend him to a good lawyer. I replied to the effect that, if he had not used the adjective "good," I might suggest that I was myself practising law, but, as it was, I could only say that, if he wanted to avail himself of my services, he would have to take his chances as to their merit, as I was not in a position to insure their quality. He called, a respectable-looking man, said he had a wealthy aunt, very old, who was going to leave her money to him, and he wanted me to name some reliable young lawyer whom he could introduce to his aunt. What the young lawyer was to do he did not disclose. My curiosity was aroused, but not gratified; and, upon further talk, he dropped his aunt, and told me that he was in the business of getting accident cases, and, his present lawyer not being satisfactory, he wanted to make arrangements with another to whom he could bring the cases. He was good enough not to ask in so many words if I would be willing myself to enter into such an arrangement, but merely wished me to name a reliable lawyer to whom he could bring accident cases thus obtained. I replied that I did not know any trustworthy man who would consent to enter upon such a relation, and, moreover, that it happened that I was just then engaged in an attempt

to start a movement to break up that very kind of business. He departed. During the interview he had remarked that he was thought by his friends to have a knack of inspiring clients with confidence; and, in thinking about it afterwards, I wondered whether his wealthy aunt and his consequent ability to appear as a disinterested friend in guiding the unfortunate victims of negligence to a reliable lawyer was a factor in obtaining their confidence. As a corroboration of her veritable existence, he laid on my table a card, not engraved, but printed, Mrs. So-and-so, which card, however, he contrived to carry away with him.

Ambulance chasers in the employ of lawyers are bad enough, but litigation purveyors, middlemen, who come between client and attorney, on the one hand possessing the confidence of the client, and on the other controlling the action of the attorney, will soon produce an intolerable situation. It is not only the duty, but the interest, of the bar not to permit any such to take the place of the direct employment by, and intercourse with, the client. Moreover, it is to the interest of those members of the bar, who do not drum up cases, to have the practice stopped; for the result is that a branch of lucrative law is now confined within the circle of a comparatively few men, which would otherwise be disseminated among the members of the bar at large.

The recent sewer claims scandals in Brooklyn are a direct outcome of the touting system.

One of the evil tendencies of the rule permitting attorneys to bargain with their clients as to their fees is that the better the cause of action and consequent greater likelihood of success, the more it is to the interest of the lawyer to suggest a contingent fee. This is a clear perversion of the intention of the legislature in allowing such bargains. The contingent fee can only be defended on one ground; namely, as the poor man's fee. While lawyers are not insurers, yet they can measurably foretell the chances of success. Hence they can vastly increase their incomes if they can induce their clients to put all their suits on a contingent basis, for it gives them the power to increase their percentage by expatiating upon uncertainties, as to which the client has no knowledge.

This was brought home to me in a forcible manner a few years ago. A new client, properly introduced, consulted me

about a claim of hers against the estate of a deceased person of means. Upon her statement I was of opinion that she had a good cause of action for an amount which could not be definitely stated, but I thought she would recover a substantial sum. From various indications I did not judge that she was in a position to go to much expense, and in my own mind I was perfectly willing to take her case on a contingent fee. In fact, as her recovery was as sure as anything human could be, I would make more money in that way. The moment came for me to bring up the subject of my compensation, so I asked her whether she preferred to pay me a retainer or have me take her case on a contingent fee. Her reply surprised me. She asked me my opinion as to which was best for her interests. For the moment I was nonplussed, and then answered: "Madam, no such question was ever put to me before, and I hardly know how to reply, but, as you do me the honor to put yourself in my hands, I presume I am as much bound to advise you on that point as upon any other that may come up. I can best do so by saying that I consider that your chances are so good that I should obtain a larger fee if I take the case on a contingent basis, and I prefer to do so. Hence it would seem to me that you will do better if you pay me a retainer." This she did, and in the end saved a considerable sum by so doing.

Such an example brings out in bold relief the fact that the moment you allow bargains between lawyers and clients in respect of compensation to take the place of the rule of *quantum meruit* you drive a wedge into the confidential relation. You separate their interests. The attorney, who should guide his client through the mysterious labyrinths of the law, is interested to increase the mystery, in order to enhance the price of his services for conducting the client through them.

Thus the tendency is to turn a guardian into a harpy. Now he cannot play harpy if guided by the rule of *quantum meruit*, for in any dispute over his fees he must show the necessity for, as well as value of, his services.

Again, the temptation is to ask too much of an interest in the result. The usual rate is, I believe, a third; but forty, fifty, and even sixty per cent. is sometimes exacted. Now

forty per cent. may often be defended, fifty per cent. sometimes, but sixty per cent. is highway robbery.

The evils of stirring up litigation, building up fraudulent cases, separating the interests of attorney and client, and asking too high a percentage are not the only ones attendant upon the contingent fee. There is the effect upon the defendants and their methods of defence. If fraudulent cases are built up and carried through by subornation of perjury, we must expect that fire will be fought with fire. The recent confession of the present head of the law department of the Metropolitan Street Railway, showing that under a former management it had been a perjury and bribery mill, is a notable instance.

Moreover, the medical profession has not escaped the deteriorating influences of the contingent fee. Not only are there standing medical experts, often falsely so called, who are hand and glove with the ambulance chaser and the lawyer, and form a part of the ring, but many of our young doctors attached to the hospitals, as well as their attendants, have succumbed to the malign influence. Some of them are said to be in the pay of lawyers for plaintiffs, and send them cases "upon an understanding." This begets a counter-abuse, of which I caught a glimpse not long ago in defending a corporation in an accident suit. I then learned that ambulance chasers in the pay of lawyers necessarily give rise to ambulance surgeons in the pay of railroads.

To sum up the situation, the fact is that the "contingent fee business," confined mainly to accident cases, although "libel business" is also included, is in such a deplorable condition that something must be done to relieve the community from its blighting effects.

Now it is of little avail merely to cry aloud and spare not, unless a remedy is proposed. It is not worth while to say that something must be done, and not to point out what that something is. One of the reasons why things have come to such a pass is that the contingent fee is a necessity, and regulation of it is thought difficult. I venture to submit that the true remedy is so simple that it has escaped notice by reason of its very simplicity.

To my mind we shall find the clew to the remedy if we

take note of the class of persons whose doings create the abuses which demand the remedy. It is among the lawyers who seek after, and not among those who are sought by, the unfortunate victims of negligence or libel that unconscionable agreements and malpractice are to be found. I have in my pocket at this instant a number of illustrations of the various devices used by various lawyers in their pursuit of such victims. For example, I have a printed list headed as follows: 'Verdicts recovered in cases recently tried by the members of the law firm of Blank, Blank & Blank.' Then follow the titles of fifty odd cases, with records of verdicts ranging from \$2,500 up to \$22,000.

Another pamphlet is in the shape of a testimonial like those we see published about quack medicines, signed by various persons who have recovered damages in accident suits, which reads as follows:—

We, the undersigned, are pleased to state that Blank & Blank, who represented us in our suit for damages for personal injury, served us honestly and zealously, securing the best results obtainable, as we believe, and in finally settling with us they lived up to their agreements, paid to us all that we were entitled to, and were frank and fair with us throughout.

These with cards and various other interesting documents came to me from the mother of a former office boy of mine, whose daughter had been run over by a trolley car, and who was immediately flooded with runners from various lawyers, who left them with the sorrowing parent even before her daughter's body had been committed to the ground.

True such practices are only offences against the code of ethics, and not all of those who are addicted to them break the criminal law. It is equally true that we are to look for criminal offenders among the lawyers who are not bound by a code of ethics. Is it not perfectly obvious what the remedy is? Nullify all agreements and abolish all attorneys' liens in *solicited* cases, and you put the ambulance chaser out of business. At the end of the first sentence of § 66 of the Code, which legalizes special agreements for compensation, add "provided that the employment in question has not been so-

licitly directly or indirectly by the attorney or counsellor." In the next sentence creating attorney's lien, give it only to the attorney "whose employment has not been solicited by himself directly or indirectly." At the close of the section in reference to action by the court add "and after the rendition of any verdict in favor of a plaintiff in any action to recover damages for personal injury it may of its own motion summon such plaintiff to the bar and make inquiry as to the circumstances under which the agreement for compensation therein was made and the reasonableness thereof."

Also amend § 74, so as to make it a misdemeanor for an attorney to "solicit directly or indirectly his own employment in any action or special proceeding."

To do this is to lay the axe at the root of the tree. In this way the right of the poor litigant to obtain a champion on a contingent fee is carefully preserved, and the power of the lawyer to abuse that right is curtailed.

It were well that a movement to regulate the contingent fee should start in a body like this for several reasons. The legal profession is concerned, not with the law as it ought to be, but as it is. The individual lawyer does not care to occupy the invidious position into which he would be forced by urging such changes. Nor does he wish to emphasize the suggestion that his abstention from relations with ambulance chasers puts him at a disadvantage with his more strenuous and less ethical brethren. Be that as it may, the proposition seems self-evident that as the abuse of the contingent fee occurs in solicited cases, so the way to correct those abuses is to take away the premium for solicitation.

DISCUSSION.

FREDERIC R. COUDERT.—What my friend, Brother Leavitt, has stated as to a case in the Appellate Division has interested me very much, and I think it is only fair to say, for one thing, that I agree with him as to what the late John Kelly said about "hypothecated cases," but in one thing he has gone very far astray. This may be due to the fact that he did not examine critically the record in the case he cited to you. It happens that I know all about it, and know the gentleman who sued for the fee Mr. Leavitt thinks he didn't earn. The facts were these: A certain gentleman, not a member of the bar, heard there were certain customs claims

went to claimants representing himself as able to collect them, and obtained a great number of the cases. Now it happens that he went to one of the most eminent men in the United States, as well as one of the most honorable. He has practised in many of the important cases in the country, he is a prominent man, and has had few contingent fees. This layman came to this lawyer, and entered into a contract with him to collect the claims. Later on he learned, incidentally, that the same lawyer had been employed to argue other similar cases. The lawyer worked four months, and won a great victory in the Supreme Court of the United States,—so great that this layman was enabled to collect his money. The man who gathered the claims collected one hundred and fifty thousand dollars, and then turned to the lawyer, and said to him,—the man who did the work,—“Oh, no, I won't give you a cent: you would have done the work for other clients, anyhow.” That is not a “hypothecated case.” Under these conditions the sociologists should not hasten to indict the Appellate Division.

JOHN BROOKS LEAVITT.—At the beginning of his remarks my brother Coudert said that he would not attack my principles. Now one of my principles is to accept as accurate the statement of facts which is given in a reported case. My comments upon the decision of the learned Appellate Division were based upon the facts as stated in its own report. While the facts stated by Mr. Coudert must have been in the record, because he says they were, yet they do not appear in the report of the case. Consequently, it seems to me we have nothing to do with those facts in discussing the principle of the decision. I stated that principle in the language of the report itself according to its syllabus. Therefore, it must be conceded that, in passing upon the rights of an attorney under a contingent fee agreement, the court did so without referring to the grave question of public policy, which, I insist, should have been taken into account. In other words, the court assumed the validity of the agreement, when it should have discussed it, and, in my humble judgment, have found it to be void for every purpose, except as a measure of compensation for services actually rendered.

THE CHAIRMAN.—It is usual on these occasions, when the principal address has been concluded, to open the meeting for discussion by members and their friends, and I see no reason why the precedent should not be recognized at this time, with the provision that each contribution to the discussion shall be limited to five minutes. Any gentleman or lady who cares to add anything to what has been said will, I feel sure, be listened to with great pleasure.

This occasion is not intended as an advertisement of the law firm of Coudert Brothers, but I observe in the audience an associate of Mr. Coudert who in the past has contributed out of his wisdom and experience much that was useful and interesting. I venture to believe that you will all be glad to hear from Mr. Paul Fuller, and I take great pleasure in introducing him to you.

PAUL FULLER, LL.D.—On this occasion I happen to be in agreement with my associate, Mr. Coudert. I might, however, make the suggestion

that the corporation is subject to regulations for other reasons than those Mr. Coudert has suggested. The corporation is not simply a group of rights or of individuals, but it has certain privileges, above all the one great privilege of limited liability. That fact is an additional reason why the powers of regulation should be coextensive with the privileges accorded. Any universal rule of regulation must have regard to expediency, and, when we come to consider expediency, the right of regulation of corporations will be admitted, and its stringency or leniency will depend upon the conditions and the character of the corporation.

WILLIAM BYRNES.—In answer to Mr. Leavitt's remark referring to the question of a client's right to change his lawyer at any time, I would say, when I was first admitted to practice in New York, a friend called my attention to the methods of substitution of attorneys here. Out West, where I had been practising, if a client was going to change his lawyer, the lawyer whom he approached would say, "Have you settled with your present attorney?" and would go to see his brother of the bar, and see if the controversy could not be patched up in some way, before he would consent to steal the other lawyer's client. Here, in New York, I found substitution after substitution thrust upon me,—this all due to the chaser for business. I did not have a case on the calendar but that I found that some enterprising chaser had got hold of my client, connected with my client in some way, and induced him to try to change his lawyer. The other day I was standing talking to an old-time client, and a chaser stood watching us for a while, and then spoke to my client, and said, "Mr. R., you know the case in the criminal courts where B. was acquitted for such an offence?" "Yes." "Well, the lawyer who got him acquitted is Mr. M., upstairs, and I will take you upstairs and introduce you." I looked him over, and I was about to say something, but I concluded to pay no attention to it.

I had another humorous incident in my practice. I had a client who had a claim against an Atlantic steamship company. He gave me the case, and in three days I had his money for him. He was astonished at the celerity and absence of delay. He brought me another claim, and that was settled within three days. My client was so upset that he started in business for himself, and connected himself with a couple of lawyers who were not so successful, and he tried finally to get along without a lawyer. He gave me his card one day when I met him, and he had on it "Investigator, Adjuster, Real Estate." I said to him, "What do you know about real estate?" He said: "Not a great deal, but I just put it on the card. I picked up three cases against the Metropolitan Street Railway Company, and I gave them to the lawyers for a commission, of course." Whether he still continues to be successful I cannot say.

As against corporations, I try to get, if I can, the old-fashioned retainer, but people have become so accustomed to contingent fees that they will not pay in this way.

The law in New York to-day is such that a lawyer is almost compelled to have his business conducted on a Baxter Street basis. When I was admitted to the bar twenty-five years ago, the ethics now prevailing among

the younger members of the profession did not then obtain: they were not considered honorable. But people to-day have come so to regard it, and we may safely say that a lawyer is not regarded with the same respect and the half-reverence that he commanded in the olden time, and that he is to-day more like any other skilled laborer, offering his services in the public market.

Now, if the matter has gone so far that this Association takes cognizance of it and tries to cause a reaction, I think the movement should meet with the hearty approval of every honorable member of the bar, and every honest, well-meaning citizen of this city and State.

III. DEPARTMENT OF EDUCATION AND ART.

INTRODUCTORY REMARKS.

BY PROFESSOR SAMUEL T. DUTTON, CHAIRMAN.

By way of introduction I am going to say just a few words this morning, and the first thing is that education is universally prominent to-day. At the present moment, all over the world, by all peoples, and by people of all conditions, the work of education is being carried on, and the growth of the last fifty years has been toward the general conception that men, women, and children are susceptible to education; and so we have that as our starting-point. No one is so poor, so weak, so unfortunate, or so depraved that he cannot be reached by educational processes. Social reformers, missionaries, teachers, workers for reform in every department, use the process of education. The clergyman who does not use this method to reach his people soon loses his hold. So, as we look over the history of education, we remember such men as Pestalozzi, working among the poorest children, Dr. Séguin laboring with the idiot, trying to bring some light and intelligence to his mind and eye, and Booker Washington working in the black belt of the South. All such educational leaders are related, because they use educational methods and because their work is based on principles which are universal.

The second thing is that the educative process has in it certain corrective elements. This is true in general, and I think it is understood to-day that in the education of children, either in private or in public schools, there is a certain corrective which comes from the ordinary process of teaching and training. For instance, habits are formed and social virtue is cultivated. The growth of habit is in itself a correc-

tive element. It is setting right in the individual those things which are not as they should be. Then, also, in studies dealing with truth of all kinds there is a corrective and reformatory element, because truth is ethical, and seeking the truth is a form of ethical training. Then, of course, the teacher is a good example, and so we have in these ordinary, universal means of education the corrective idea well expressed.

When we come to industrial education, we have something a little more forcible and powerful which we can use in the case of those who have been unfortunate in their birth and training, and who, having lapsed from virtue, are set aside by society as unfit to be at large. So it is very desirable that we have this morning the opportunity of setting side by side some experiences in this work of corrective education.

We have, up the Hudson, at Dobbs Ferry the New York Juvenile Institution. The superintendent, Mr. Charles D. Hilles, is to address you, and I am sure will set forth some interesting methods of corrective education.

I. EDUCATIONAL WORK IN JUVENILE REFORMATORY INSTITUTIONS.

BY CHARLES DEWEY HILLES, SUPERINTENDENT · NEW YORK JUVENILE ASYLUM.

Is a child under sixteen years ever a criminal in the moral sense of the word, and, if he is, how can he best be prevented from continuing in that course?

The accepted formal classification in the United States draws the line between infancy and childhood at the age of seven and that between childhood and adolescence at the age of fourteen. Custom and the constitution agree upon twenty-one as the age at which a youth becomes an adult. Thus the most important period in a man's life, that between zero and so-called majority, is divided into three stages of seven years each. This is not a modern determination, rather a recognition of that principle in the Roman law which absolutely exempted a child from penalty up to its seventh year, and of the principle underlying the ascent to knighthood in the Middle Ages. In the King Arthurian cycle the infant in a noble family became a "page" at the age of seven. He was taught the etiquette of chivalry until fourteen, when, as a "squire," he took the next step toward his goal. He was knighted with becoming ceremony on his twenty-first birthday. It is significant that the centuries, in this particular, knit themselves together. The subdivision must always have been the result of design and not of accident. Doubtless certain phenomena were regarded as physiological turning-points then, as they are now.

The brain has practically attained its normal size by the sixth year. The temporary, or deciduous, teeth are dropping. The patterns on the fingers are taking permanent form, to which form they will remain true until death, and until long after death. It is the dawn of school life for the average American child, unless that child has had the benefit of kindergarten training. It is the starting-point on the journey, that which went before having been by way of preparation. To this point no one holds the child to the least accountability.

The next stage presents a much more serious situation. Second dentition begins at seven, and is a formidable factor until adolescence. While the increase in the diameter of the skull is imperceptible, if indeed there is any growth, the face increases in length in a marked degree. The legs, as if in sympathy with the face, grow longer with undue rapidity. Otherwise the body is enlarged by constant and proportionate growth until about the tenth year, when there is a rest of a few years. This is the almost universal experience. The report of the Massachusetts Board of Health for 1890 says that "at eleven there is a remarkably slow growth in weight and height in both boys and girls, less, in fact, than for several years preceding or subsequent to it." Dr. Herdlicka, who examined one thousand street children for the New York Juvenile Asylum, found that at the age of from eight to nine there occurred the maximum number of abnormalities, and that later there was a notable decrease. Professor G. Stanley Hall, in a recent copious and invaluable work, reports a finer adjustment at from nine to eleven, and finds, in the period of existence bounded by seven and fourteen, that "reason, true morality, religion, sympathy, love, and æsthetic enjoyment are but very slightly developed." "Heredity is so far both more stable and more secure. The elements of personality are few. Books and reading are distasteful, for the very soul and body cry out for more active, objective life and to know nature and man at first hand." As the result of a critical study of school-boys, Keys found three distinct plateaus between infancy and the sixteenth year: a slight increase in the six and seventh years; a more moderate growth between nine and thirteen; and a decided acceleration at fourteen, continuing until sixteen. There is very little increase in chest circumference between eight and twelve, yet the maximum rate of gain in chest expansion occurs at fifteen. Eulenberg examined three hundred cases of spinal curvature, and reported that ninety-five per cent. were in children under thirteen. It has been established that there is unbalanced muscular development in this time of physical readjustment, and, what is of more consequence, that the small heart of the child of from eight to thirteen is suddenly enlarged, resulting in excessive activity.

It is a matter of common observation that the *timbre* of the

voice changes at this age, that children are restless, repeatedly revise their plans, and that predispositions are more apparent. Other members of the body seem to subordinate themselves to the feet and hands. Teachers bear testimony to the swaying of the body, to awkwardness, and to involuntary twitching of the eyes. Children grow taciturn, routine becomes irksome, there is an assertion of independence and a conspicuous lack of concentration. These tendencies are emphasized in this period of transition. Children whose parents are not of the professional classes protest at this point against continuing at school. They are restless for the start in the race. They count as lost the time spent in studies that seem not to have direct application to the line of work they may have in mind. If parents stopped school at the grammar grade, the child is usually contented with one grade higher, to say the least, so that in this particular it requires, as a rule, some auxiliary pressure to get the stream to rise higher than its source. It is observed, too, that, when children are in this crucial period, the family organization lacks adhesive force. Parental protection is too often regarded as a gratuity, and in most homes there is a lamentable lack of obedience. Here, to quote Dr. Hall again, youth "attempts to carry out every impulse, loves nothing more than *abandon*, and hates nothing so much as restraint." It is the age when instinctive and hereditary influences are beginning to tell, when slang and stereotyped phrases and gestures are used, and when pernicious practices, seemingly spontaneous, are particularly prevalent.

This, then, is the marvellous change that comes over the average normal youth in transit from infancy to the borderland of young manhood. He is met with surprises and attacks at every turn. Nature seems to delight in hazing him. She pulls this member without reference to that. She devotes every effort, for a time, to adding to one's stature, then abandons activity in that direction, and concentrates on one's breadth. There is no attempt at symmetrical treatment, apparently no continuity of policy, no explanation of the reason for alternate rests and rushes. We know that young trees, when blown by strong winds, put out new roots as braces, that they may resist, when mature, the fiercest storms,

but there seems to be no theory, not discredited, for disproportionate development in childhood.

In addition to Nature's handicap the child must reckon with heredity. Parental incapacity, indolence, immorality, intemperance, and criminality enter to embarrass the offspring. Dr. Samuel G. Smith does not accept the theory of impoverished or criminal heredity. "The baby can no more be born foredoomed to a life of crime," he says, "than it can be born wearing a dress suit." Dr. Meyers also protests against frequent acceptance of hereditary tendencies or fatalism. He would "distinguish sharply between forms due to constitutional inferiority and poor endowment and those due to adolescence itself and its disharmonies of thought, habits, and interests." Nevertheless, a percentage of youthful error seems to be the sin of the parent that is being visited upon the children. If we analyze the offences committed by those in the prepubescent period, we discover a considerable number apparently chargeable to the immediate predecessors of the children, and a proportion, vastly greater, in which the impelling force may be traced far back into the human family. At the last federal census there were, roughly, seven thousand children under sixteen in reformatory institutions, charged with truancy, vagrancy, incorrigibility, assault, and disregard of property. The specific act, in most cases, classified as ungovernable and incorrigible was absence from home over night or for several nights. This roving trait was responsible for all juvenile vagrancy and almost all truancy. Morrison classified all these as nomadic, and estimates that one-half of the children sent to corrective institutions at this age are for offences that are a reversion to the nomadic life. One authority asserts that the passion to swim greatly tends toward truancy. Most boys have longings for the sea. Garfield at this age resolved upon a sailor's life. Thomas Bailey Aldrich tells us that his grandfather, at the age of ten, fled from the multiplication table and ran away to sea, adding that there was but one of the family who did not run away to sea, and this one died at birth. A desire for a stimulant in the form of excitement is not unusual. For many years I observed an infant incendiary whose first public offence was committed at the age of seven, and was repeated at nine and eleven, at which ages

he was discharged from and returned to an institution. He was not an imbecile nor a defective: his acts seemed not to be volitional, but to be mere rudimentary impulses. The run of the fire department and the spectacular effects of the flames seemed necessary to satisfy his craving for excitement. The trail of the serpent is in many of these lives, and we cannot deny the theory of inborn appetites and aptitudes. Dr. Holmes builded on fact when he constructed the biography of Elsie Venner. There are many later editions of that life and numerous replicas of Tess, the undesired.

While heredity and physical conditions assert themselves imperiously, one's surroundings play a very prominent part. The moral standard usually recognized is the custom of the community in which one lives. The environment is reflected in the life of the child at adolescence. If there are no favoring conditions in it, if there is nothing to develop a moral nature, then there is nothing to which the hereditary tendencies may be subordinated. But the influences are rarely negative, and, as the child at this age is plastic to everything, he degenerates rapidly if his playground is fenced in by drink and debauchery, if he hears filthy stories, sees vile books and pictures and degrading plays. The stress of the city streets, irregular habits, late hours, observations of evil, and perverted appetites render diagnosis and treatment in each case difficult.

It is not surprising that so many children offend against public welfare in such manner as to violate human law. It is remarkable that more do not. We have seen that they must battle with congenital instability, with perplexing physical readjustments and an environment that is rarely helpful. For them the world is full of half-understood things. Are they ever criminal, in the moral sense of the word? Certainly not. Mental responsibility comes long before moral responsibility. Moral responsibility does not begin until a child is old enough to discriminate between right and wrong, and even then the power to do right may not be supplied. The fact that the child has not the power of reflection is to be cited in mitigation. In England the line of demarkation is sixteen. In Austria a child under fourteen cannot receive public punishment except in extreme cases. In Germany legal responsibility is made conditional for those between

twelve and eighteen. One authority observes that children at this age "go 'wool-gathering' and should be admitted to be legally irresponsible because every act proves an *alibi* for attention."

The guilt of the child has not been in question. Ordinarily, the recital of cause and effect suggests the cure, but, so long as the world teems with licensed vice, the causal factors of juvenile delinquency will remain beyond our reach. Society seems utterly incapable of establishing an effective moral quarantine. It is conceded that the children's court is a preventive agency. We are satisfied that it makes some lives better, and none worse. The child gets careful individual consideration and humane treatment. He may be checked in an unfortunate career and saved to society, but the very existence of this court presupposes guilt on the part of the child. The stream of juvenile criminality did not have its source in the public courts even in the old days. It is popularly supposed that these courts increased the pollution, but they were never the primary springs.

The probation system and the children's courts make possible a wiser discrimination in dealing with hapless chaps; but when and how will it be possible for the State to go to the real source of juvenile delinquency? How are those who are serving manhood's apprenticeship to be taught to avoid the court, to defy their besetting sins, to direct their new powers, and to arouse new ambitions? If we do not aid in this direction, youthful folly becomes habit. Even though the child may not be morally, legally, or physically responsible, if we permit the repetition of minor offences and do not intervene to counteract demoralizing influences, the product must later be made over in a reformatory. The boy imitates not only others, but himself. If he does a thing in a given way several times, it is hard for him to do it in a different way. If this way has been the wrong way, it is most unfortunate. If proper direction has been given or the child has chosen the right way, it will mean that what the child has gained will be absolutely secured to it. Fixity of right habits is one of the keys to the situation. The repetition of minor acts holds and controls us as the threads bound and held down the giant. So strongly convinced of this fact was Aristotle that he de-

finer virtue as the *habit* of right-doing. The cause of commitment in young offenders is not so important as the motive and the habit of thought. The cause of the causes is all-important. There can be no doubt that almost all boys catch "bad habits" from their companions. Nothing seems more contagious, and, knowing that companionship is essential, and that it exerts an incalculable influence, our very first duty is to control environment. The problem would be half solved if society were to purge the city of its dens of iniquity. That does not seem to be a practical suggestion, however.

Perhaps we shall be wise enough before very long to extend the functions of our schools so that we shall have adequate and compulsory and universal medical examinations. Of the last one hundred street children received in a New York institution for the neglected and delinquent classes, ninety-four had badly defective teeth. Bad teeth cause fermentation. The food is not properly ground, and imposes a burden on the organs of digestion. It impairs nutrition and retards growth. Medical examiners would discover the dangerous percentage of contagious eye diseases. With the use of X-rays they would find the numerous cases of curvature of the spine. It was pointed out at the Syracuse Conference that in an orphanage near New York City the X-rays brought to light the astounding fact that fully sixty per cent. of the children required treatment for spinal curvature. This treatment is given in the gymnasium, and relieves the unbalanced pressure. A medical staff would correct bad habitual attitudes, weaknesses, and many subnormalities. There are many cases of temporary retardation or arrested growth that require greater patience than a layman is apt to display. Herdlicka's investigations established the bad effects on the body and mind of imperfect nutrition, which is held responsible for much of precocious transgression. Medical attendants would see moral danger-signals that might otherwise go unnoticed, and, if they had the confidence of the boys who are longing for wise counsel, could do a large work in fighting the scourge of our race, which, unrestrained, is so harmful to strength and purity. Such attachés would advocate and promote play under proper directions.

Leaving heredity out of consideration for the moment, all

criminality is due to causes that may be defied and prevented. Constant care of and intelligent interest in youth in the formative period, rational treatment of the physically and mentally backward, fidelity to the cause of cleanliness, and judicious direction in the matter of the choice of companions would work a revolution. Supplement this by a course that will generate and direct self-respect and self-mastery, and the result will be an improvement in the moral health of youth that will be reflected in the moral health of the State.

DISCUSSION.

PROFESSOR SAMUEL T. DUTTON, CHAIRMAN.—This is not a new subject by any means. For a good many years there have been attempts to introduce some sort of education into the prisons. The Irish prisons made attempts of this sort many years ago. The English prison system has undertaken to do something of the same kind. When I was visiting, some years ago, Pentonville Prison in London, I was somewhat taken back, somewhat depressed, in fact, to see there the treadmill, where perhaps a hundred and twenty men at a time got their exercise. Of course, it is a far cry from that sort of thing in which there was no economic labor to a corrective system of education. About a year ago some attempt was begun to introduce educational work into our prisons, and we are very fortunate this morning in having with us the Superintendent of Education in the State Prisons of New York, who will speak on education in prison schools. I am happy to introduce to you Dr. Albert C. Hill.

2. EDUCATION IN PRISON SCHOOLS.

BY DR. ALBERT C. HILL, STATE EDUCATION DEPARTMENT,
ALBANY, N.Y.

The treatment of convicts has undergone a marked change during the past few years. The lock step has been abolished; the cropping of the hair is no longer practised; first termers are not put into stripes; the pernicious system of contract labor is a thing of the past; the parole system has been inaugurated; the grading of the men has been fully established and enforced; kindness has, in a large degree, taken the place of cruelty in the management of prisoners.

These reforms have resulted from a gradual change of views regarding the causes of criminality and the best means of dealing with the criminal. It has become apparent that heredity and environment have much to do with the production of vice and crime, and that society must share with the violator of law the responsibility for his character and wrongdoing. It has also been found that prison bars and stripes, foul air and unpalatable food, have not in practice proved to be remedies for crime. Punishment long since ceased to be regarded by intelligent men as a means of retaliation and revenge, and is coming more and more to be looked upon as a reformatory as well as a protective agency. Imprisonment will finally be interpreted as a means of protecting society from crime by reforming the criminal and restoring him to the commonwealth as an honest and reliable neighbor and a law-abiding and useful citizen.

The establishment of prison schools marks a forward step towards the best means of dealing with the criminal. New York is possibly the first State to undertake this work in a serious and systematic way. For many years there have been schools in reformatories, but over prison doors have been written, "Let all who enter here leave hope behind." There is an implied distinction in methods of procedure between reformatories and prisons that does not seem to be a happy one. The latest and best thought is that penal institutions

of all classes should be reformatories, and that the door of hope should never be closed to any man.

Acting upon the belief that every man should have a chance, Superintendent Collins inaugurated the movement to establish a system of schools in the prisons of the State. He intrusted the working out of the idea to the State Education Department. The schools were given the right of way. The officials in charge of the prison industries were asked to yield a portion of the time each day, and consequently forego a part of the profits of the shops to school instruction. "We have been running the prisons in the interests of profits," said Superintendent Collins. "Hereafter we will run them in part for the benefit and reformation of the prisoners."

In accordance with this plan, school-rooms were provided and equipped with modern appliances for school work. A head teacher was chosen for each prison by competitive examination from the successful principals of public high schools. The other teachers needed for the work were selected from the best educated and otherwise best qualified inmates of the prisons themselves. It may be said that the employment of inmate teachers is open to criticism, inasmuch as it violates the principle that, if you would lift others, you must stand on higher ground. However, for financial reasons, this plan was imperative; and in practice it has worked much better than expected. There is this advantage in it, the inmate teachers understand the men, their conditions and needs, and can enter into full sympathy with them.

As soon as the rooms were in order and the teachers given some preliminary preparation for their work, the schools were opened, the first in September, 1905, and the last in February, 1906. There are at present about thirteen hundred men under instruction in the four prisons. They are in school one hour and fifteen minutes each day, six days in the week, fifty-two weeks in the year. The number of men in a class-room at a time is theoretically limited to twenty. There are four periods each day, and four classes or sections are under instruction during each period. The men are brought from the shops, and returned to them by officers detailed for that purpose.

The prison schools thus organized and set in motion have

a peculiar and difficult problem to solve. They deal not with children in the formative period of life, but with men and women whose habits and characters are already fixed and require reforming. They must plough up the old and neglected soil, and prepare it for a new crop. They must not only sow seeds, but root up weeds. They must seek to restore men from abnormal mental and moral conditions to soundness and sanity. They must infuse hope into the hopeless, the despairing, and the desperate. Self-respect must be restored, and self-reliance cultivated. Will-power must be developed, right emotions aroused, and new ideals created. In order to reform men, old ways of thinking must be broken up, old associations must give place to new and better ones. Prisons have been called, with more or less truth, schools of crime. They must be converted into schools of virtue.

The task is Herculean. Those who are undertaking it have no illusions regarding the matter, no extravagant notions of what can be done. The prison schools are endeavoring to give a belated education, or rather, perhaps, to substitute a true education for a previously acquired one in vice and crime. In many cases they have to create a want for the better as well as to supply that want.

But, while the task is evidently difficult, it is by no means hopeless. Chronic diseases do not readily yield to treatment, yet the physician does not despair. The moral diseases that afflict society may have thus far baffled all efforts, yet the search for remedies must not be given up.

The plan of prison work, based upon this conception of the nature of the problem, is simple, yet comprehensive and far-reaching. It starts with the assumption that the work must be largely individual, and recognizes the principle that self-activity is the first and most important law of mental and moral growth. The men are expected to do the work in the class-room. They are led to see that an education must be obtained by effort. The lecture method of instruction has but a small place in the prison schools.

The English language is made the fundamental subject of study. Oral speech, reading, spelling, writing, the tools of knowledge and action, stand first and foremost, and receive special and constant attention from the beginning to the end

of the work. Many may get little farther than an elementary knowledge of how to speak, read, and write the English language. The aim will be, at least, to banish illiteracy from the prisons, and enable all the men who spend any considerable time in school to utter simple sentences intelligibly, read with comprehension, and write down on paper what they know, with proper spelling, punctuation, and use of capitals. How much is involved in this may be inferred from the fact that at the opening of the school in Sing Sing there were at least two hundred and fifty non-English speaking men of many nationalities to be instructed, many of them entirely illiterate.

As soon as reading ability is acquired, it is at once used. By means of it the men are given the mental and moral food and stimulation that seem best suited to their capacities and needs, and most likely to aid in fitting them to go back to the world efficient, self-respecting, self-reliant members of society. Through books they are brought into the company of the best men and into a knowledge of the best deeds. Reading, the chief means of getting knowledge and inspiration for all men, is particularly valuable to men shut up within prison walls. The greatest blessing and source of hope possible are conferred on a convict when he is taught to read and provided with the right kind of books. There are many long, lonely hours in prison life, and the companionship of books within a narrow cell has a meaning and a power not easy to estimate. The prisoner has time to read, to meditate, to assimilate. How infinite are the possibilities in those quiet hours! In my opinion, the reading-book is the key to the reform of men in prison. A book is a silent but most effective preacher, and will often reach men who will not listen to the human voice. Through it men may be brought into close and helpful contact with the most inspiring personalities, the greatest achievements, the most important practical knowledge. For this reason the prison plan of school work includes the extensive use of carefully selected books, both in the class-room and out of it.

This leads to the remark that the reading of men in prison cannot be too closely scrutinized and guarded. Pernicious literature not only leads men to prison, but fosters and intensifies their evil passions and fortifies their criminal instincts

while in prison. It is one of the most insidious and deadly foes to all reform efforts. An inmate of one of the prisons recently remarked to his teacher that he would not study his lessons if he could get a detective story to read. It is not too much to say that the reading of men in prison should be absolutely controlled as well as wisely directed. Not only the positively bad, but all weak and purposeless reading should be eliminated. Reformation is a serious matter, and calls for heroic treatment. It is a process in which the dogma, *contraria contrariis*, and not the dogma, *similia similibus*, should be followed. By this it is not meant that essentially uninteresting reading matter should be forced upon the men. It has been found that informing and profitable reading can be made interesting. A taste for the right kind of reading may be cultivated, and to create an interest in good books is an important part of the teacher's task. Certain it is that no part of the often brief time in which the State is in a position to direct the efforts of these men into right channels should be wasted or poorly employed. A few books carefully read, talked over, reproduced in substance, both orally and in writing, should constitute the basis of reformatory education.

By means of the art of reading it is proposed to present to the men in prison the most important facts of geography, history, government, society, and ethics. It will be the aim to impart knowledge that has practical value, to emphasize those qualities that have given success to men and to nations, to inculcate social and civic virtues, to create true ideals, to inspire the men with a spirit of patriotism, to open the door to success.

It will be kept in mind that the will, the reason, the emotions, need to be reformed and strengthened, self-reliance and self-respect fostered. To this end the men are encouraged to do all possible work for themselves. They read aloud in the class-room, reproduce what they have read, express opinions, discuss questions, and in every possible way are made to feel that they count for something and can do things.

It may be said that the term "education" as applied to prison work is not to be taken in the narrow sense of ordinary school training. It includes much more than book learning, and books are only one means to the desired end. Every influence

brought to bear upon the men is educational. There are many teachers besides the school masters. The chaplains are quite as important factors in reforming the men as the head teachers. Indeed, their opportunities are in many respects far greater. Every official and guard is a powerful influence for good or evil among the men. Superintendent Collins's idea of having a school for the training of prison officials for their work is an excellent one. Prison discipline is educational, and is a good or bad influence according to its character and spirit.

Men cannot be reformed at arms' length. They cannot be greatly helped by those who look down upon them as an inferior race of beings. The inmates of prisons are men like ourselves. They are not all bad, and few of them are wholly bad. They have feelings like the rest of us. They appreciate kindness and resent injustice. They have standards of right and wrong which, though perverted and not of the conventional kind, are nevertheless strongly maintained and defended. Society has not always been kind or even just to them. Their mental and moral condition and attitude towards the rest of mankind must be taken into consideration in approaching them. They should have a square deal. Efforts at reform should be inspired and carried on by the spirit of the brotherhood of man.

The prison work has not been going on long enough to furnish much data upon which to predict its future. It has been successfully initiated. The head teachers are entitled to great credit for the enthusiasm, vigor, and efficiency with which they have taken up the problem, and are working it out. There have been puzzling questions to solve and obstacles to overcome. Naturally, there was much scepticism at first as to the wisdom of the movement. It was an interruption of the settled order of things. It interfered with the industries. It seemed to some an uncalled for effort to improve men who could not be improved and who would not appreciate what was being undertaken for them except as it made prison life easier for them. This scepticism has grown less as the work has advanced.

The inmate teachers are surprising us by the enthusiasm, interest, and efficiency with which they are doing their work.

Their improvement from week to week is very marked. One of them says he has never done anything that gave him so much satisfaction; another would like to make teaching a life-work; another confides to his head teacher that school work is opening a new and better world to him. If the schools do no more, they will certainly greatly benefit the inmate teachers.

As a rule, the men are eager to enter school, particularly those who have never before had such an opportunity. They seem anxious to learn to read and to take books to their cells to read. The following resolution passed by one of the classes, shows the prevailing spirit of appreciation: "Be it resolved that, inasmuch as we are deriving much pleasure and great benefit from the privilege we have enjoyed, are enjoying this morning, and hope to in the future, and fully realizing the kindly efforts of Mr. D. in behalf of our intellectual development, we express our heartfelt thanks and appreciation to him for the benefits already received and those we hope are yet to come, and we delegate our chairman, with his consent, to convey this resolution to Mr. D."

Exhibits of the work so far accomplished have been collected from the various schools, and are open for the inspection of persons interested in the schools at Sing Sing and Auburn.

The complete and continued success of the educational work in prisons depends upon the support of public sentiment and the hearty co-operation of prison officials. Superintendent Collins has given the movement his hearty and active support, and has met the initial expense in a liberal manner. A considerable annual outlay of money to maintain the schools and some decrease in the profits of the prison industries through the labor of the men are to be expected. It will be a question between dollars and an effort to reform the men, which public sentiment must, in the end, decide. If the work is to be done at all, it should be done in the best possible manner. The most approved appliances and the best educational ability should be directed to the task.

In conclusion it may be said that the efforts at reforming men in prisons reveal and emphasize the importance of looking after the boys and girls in the streets and in neglected homes. Reformation is, after all, a poor afterthought. It begins much too late. It is like an effort to repeal laws that should never have

been enacted. It would be far better and in every way more economical for the State to take steps to prevent the young from falling into the pits. Parent, industrial, and truant schools are needed everywhere to take charge of the wayward and neglected. Orphan asylums need most careful attention from the educational standpoint, else they are nurseries for reformatories and prisons. The incipient stages of delinquency should be most vigorously and intelligently dealt with, and in this matter present methods leave much to be desired.

DISCUSSION.

PROFESSOR SAMUEL T. DUTTON, CHAIRMAN. Reformatory and ethical education, it is conceded, are in their most advanced stages in these institutions. A few years ago I went to visit a college and spent a day there, and immediately after went to Elmira and spent a good part of an entire day in the reformatory. Without being too definite, I wish to say that my impression was that as an educational institution the reformatory was in some respects more advanced than the college. They had a better arrangement of work, and the young men were getting a more rounded education. I found in college one young man about to graduate from the technical side of the institution, who had been in the library but once and had never seen the Art Museum there and did not know there was one. I know that Elmira has many good teachers and it gives me pleasure this morning to introduce to you one of them, Mr. A. E. Upham, Director of the Elmira Reformatory Schools.

3. EDUCATION IN CORRECTIVE AND REFORMATORY INSTITUTIONS.

BY ALFRED E. UPHAM, DIRECTOR OF ELMIRA REFORMATORY SCHOOLS.

Six years ago, in the *Atlantic Monthly*, Professor Henderson, of Chicago, wrote: "All penological studies are driving us back to educational measures. Penalties have little influence upon minds not disciplined to foresight of consequences, incapable of connected reasoning."

This is the attitude of modern social science as set forth by a trained social worker. But we must confess that it is still a position far in advance of practical acceptance by society. The natural tendency of society to retaliation and penalty for crime is still strong. Education is not our first impulse toward the criminal. A few days ago I read of two young men in this city who deliberately tipped over a baby carriage; and, while the distracted mother was trying to rescue her child, these men stole her purse containing quite a sum of money. I confess that my first thought on reading that incident was not about how to educate those young men to become better.

Scarcely a day passes that some young burglar does not break into a residence or store, not hesitating to beat into insensibility any one opposing him. How frequently young men in this city betray the trust reposed in them, and forge the name of employer or parent, to the loss, sorrow, and disgrace of family and friends! And who of us can honestly say that education is our first thought for these men when we hear of their crimes? But, as we calmly consider them, we know that Professor Henderson is right, and punishment merely as retaliation is wrong: first, because it utterly fails to make the man better; second, because in the vast majority of cases society or the parent is to blame for the young man's act,—society because it allows conditions to exist which can produce nothing but criminals, the parent because of the lesson in moral training which he has failed to give his son.

Education, then, is the keynote of modern corrective and reformatory treatment.

It was given to a Scotchman, Captain Alexander Maconochie, sixty-six years ago, to first apply this new principle of modern penology. Placed in charge of a British penal settlement on Norfolk Island, he found 1,400 convicts, the refuse of two penal colonies of Tasmania and New South Wales.

He says:—

For the mearest trifle they were flogged, ironed, or confined for days on bread and water. They were fed more like hogs than men. Neither knives nor forks were allowed on their tables, and they drank out of water buckets.

The men's faces reflected faithfully this kind of treatment. A more demoniacal-looking assemblage could not be imagined, and nearly the most formidable sight I ever beheld was the sea of faces upturned to me when I first addressed them. Yet, three years after, I had the satisfaction of hearing a brother officer ask me what I had done to make the men look so well. He had seldom seen a better-looking lot,—they were quite equal to the new prisoners from England.

What means had Captain Maconochie used to make this change? The answer is the best illustration I know of what may be done by a man who puts heart and brain into his work and who uses the means nearest at hand. He simply gave those men the education that comes by arousing in them the sense of obligation for their own betterment. He put in practice the device of earning and saving. He measured the labor required of a convict by marks of which he must earn a fixed number before discharge. These marks were subject to deduction for misconduct, and against them also to be charged a moderate sum of marks for food, etc. By this means it was sought to *train* him (mark the word) to habits of prudent accumulation, which after discharge would best preserve him from sinning again.

From this experiment of Captain Maconochie, incomplete and unsatisfactory as it was to him, has grown the educational treatment given to criminals in the modern reformatory.

In 1876 Mr. Z. R. Brockway came to Elmira, and began the work of developing, extending, and improving the educational method of treatment. In no important particular have prin-

ciples and methods which he formulated and adopted been changed.

The modern reformatory treatment as developed by Mr. Brockway and as it exists to-day is educational along at least nine different lines. They are as follows:—

1. Instruction in Economy: Earning, Saving, Spending.
2. Trade Instruction.
3. Manual Training.
4. Physical Training.
5. Military Discipline.
6. Ethical Instruction.
7. Common School Instruction.
8. Discipline in Conduct.
9. Religious Instruction.

I shall speak briefly of them in the order named.

Every man on his entrance to the reformatory is at once placed in the condition of a wage-earner, First Grade men receiving 55 cents a day and Second Grade men 45 cents a day. Out of this he must pay for his board, clothes, after his first suit, fines for bad conduct, failures in school, trade, etc. As a further stimulus to saving, it is provided that men who have saved a certain amount from their earnings shall have the privilege of a larger variety of food, better served, and the privilege of conversation at meal-time. An account is kept with each man, and every month he is furnished with a statement of his financial condition,—debts, credits, and balance. A mistaken economy in appropriations makes it necessary to limit the amount which a man can get to his credit and take with him from the reformatory; but it ought always to be enough to pay his railroad fare and cost of living for some weeks.

I have spoken of this education in saving and earning, first because it seems to me in many respects to be the most important element in a practical education for life in free society.

The effects of this training can be plainly seen from the reports which are returned monthly by men on parole. Out of 100 reports made in one month, a total earning of \$2,500 was reported, with expenditures of \$850, making a total saving of \$1,650. Of course, many of these men lived at home in

order to make such a showing possible. As another illustration of the effect of this training, I read the following letter, it being a monthly report:—

Dear Sir,—Following is a full account of myself for the past month:—

I worked 22 days at \$2.50 \$55.00
Idle, owing to bad weather, 4 days.

I spent:

Board and Washing	\$22.00
Clothing	13.50
Tools	4.25
Incidentals	1.72
	\$45.87

You will see from the above statement that, after cleaning up everything, I have still nine dollars to my credit. This my sister (with whom I am still living) is keeping for me, and I hope to be able to give her some little every month until such time as I can have enough to start something for myself.

Mr. —, the man for whom I am working, is a very nice man, but wants a man to hustle and earn his money. I was a little slow at first, but now have become capable of laying stone as well and as rapidly as most men of far larger and more extended experience. For this I wish to thank you. I would state that it would be well for the boys in all branches of the Trades Schools to gain in rapidity in their work, and pay less attention to fancy work. What employers expect who take men out of the Reformatory is good work, and plenty of it.

This leads us to speak of the second important means of education—Industrial Training—carried on in the Trade Schools.

Industrial Inefficiency is the prevailing characteristic of men admitted to the Reformatory. Less than 15 per cent. have ever worked at a mechanical employment before arrest. Truck driver, laborer, pedler, wanderer, and loafer are the more frequent occupations. To transform these young men into skilful workers is a task demanding all the skill, tact, firmness, and ability which a reformatory can command. The teaching of a trade is a difficult matter at best. To every trade, if properly taught, there is a great amount of technical

information to master. This presupposes a certain knowledge in letters, science, etc. The Trades Schools in our large cities require certain standards of fitness before allowing boys to enter. Here there are 30 per cent. who cannot read or write with any facility. In nearly all the taste for work has to be encouraged, and an interest in the trade aroused.

To get both quality and quantity of work, to teach the economical use of material, to teach judgment in laying out work, are some of the problems presented to instructors.

Each trade is taught by a course of study. Each outline of a course requires from fifteen to forty-five hours' practice and a two-hour examination test before the pupil can pass to the next outline. The course of study in plumbing, for instance, begins with fifteen hours' practice in cutting pipe, fitting and caulking joints, and goes on through twenty-five outlines to a final examination, which consists of setting up and connecting tubs, basins, sinks, and boilers.

The great amount of work in building and repairing for the institution furnishes the best of actual practice for Trade School pupils. Many of the largest and best-equipped buildings are the products of their labor.

As to the effects of this instruction on the inmates, I need not dwell. We all know that the ability to do increases our self-respect and our chances for facing the hard facts of modern social life. As evidence of the effect of trade instruction, I will cite two cases of what graduates have done: Henry Blank was a wanderer before he arrived here, having worked as a dry-goods clerk, cloth-cutter, wireman, farm hand, laborer, etc. On arriving here he was assigned to learn the machinist trade. He was graduated from the class, and assigned as assistant instructor. On parole he secured employment at his trade, with wages at \$15 per week.

John Blank, truckman and laborer. Assigned to learn the bricklaying trade. Had advanced half through the course when he was paroled to employment at his trade with wages at \$9 per week. He is doing remarkably well outside, he having saved during the seven months he has been out on parole \$165.67.

I also wish to read the following letter which not only tells a good deal, but suggests more:—

A few days ago, while going to business, I met one of my former companions of the time I spent at the "College on the Hill." Although perhaps rather a late date to become retrospective, and thankful for the opportunities presented to me while an inmate, I thought it would not be out of the way to write, and in this manner show at least some appreciation.

Upon my arrival I was assigned to the stenography and typewriting classes, which at that time had all-day sessions, and I want to say right now that I am thankful that Superintendent Brockway favored me in that way. I learned it thoroughly, and finally was assigned as assistant instructor when the class was changed to a night one, and increased in size. I am confident that, if I had not had the opportunity to apply my mind to it for whole-day periods, I would not have mastered it in the manner I did, neither would I be able to hold the position I do to-day,—that of confidential secretary in the law department of the largest railroad in the city.

I have met within the past year four or five of the old class of my time, and each and every one of them is to-day drawing a good salary. One, after being stenographer and typewriter for his firm, has graduated from that position, and is now manager of their Chicago branch. Another is travelling salesman for a large woollen house in this city, having originally been their stenographer.

You can plainly see the fix I would have been in if I had not mastered shorthand. There has always been a doubt in my mind that I could have learned it, had I tried to do so while in free life. It was the fact that I was compelled to apply my mind to it or take the consequences that was the "force" behind my learning it. I think this applies to a great many other trades. Under the conditions at your institution the pupil is simply compelled to master what he is capable of learning. Perhaps at the very outset he doesn't want to, but as he realizes his position, he gradually makes up his mind that he will, not that he will use it when he is again free, but simply because it will lead to his freedom so much quicker. When he is free, and finds that he has got something to fall back on, he is generally mighty glad that he did learn his trade. This seldom dawns on his mind when he is a prisoner.

I know this has been my experience. Compulsory trade learning should be a law as well as compulsory education.

Manual Training, as distinct from trade instruction, is not now in use at Elmira, I am sorry to say. I hope to see it soon re-established, for as a means of educational treatment it is of the highest value. I do not need to explain to this audience wherein lies the value of manual training in general

but I want to say a word for its use in the reformatory plan. Here there is always a class of men who do not respond to the general reformatory treatment. They are too dull to keep up or too lacking in self-control to be amenable to discipline, and for other reasons fall behind, get discouraged, and give up. For these men and the extreme motor and sensory defectives manual training furnishes the best, and in many cases the only, method of mental and physical quickening. Under a sympathetic teacher it stimulates that self-activity so essential in education.

Sloyd, drawing, clay modelling, wood turning, etc., supply to men of the classes above mentioned a training in concentration, accuracy, and perseverance which they would get nowhere else.

While manual training was in use at Elmira, it demonstrated its practical value by taking the men whom I have specified, and fitting them for their proper place in the Reformatory scheme, not all of them, but at least 50 per cent. I cite here a typical manual training case:—

It is that of a Polish immigrant, twenty years old, who came to this country at ten years of age. His crime was grand larceny, second degree, maximum sentence five years. He had been employed before arrest as bell-boy. His health was good, but his mental capacity may be judged from the fact that he could not read, though he had lived in New York ten years. For the first nine months of his stay he made some progress in trade, but none in school classes, and his demeanor was very poor, showing lack of appreciation and self-control. At the end of nine months he was assigned to the Manual Training Department for general mental quickening. His subjects were free-hand drawing, clay modelling, sloyd, calisthenics, mental arithmetic, and language. Almost from the first he began to improve in his school classes, but he did not respond in demeanor. After three months, however, he began to improve in demeanor, and with the exception of one month maintained a perfect record until his release. All this time he was being promoted to harder work in both trade and school, but maintained a perfect and even high record, and at the end of a year was graduated from the manual training department, maintained a good record after gradua-

tion, and received an early parole release. I might cite many more such cases, many of them more interesting, but this one is typical.

Under the present law in this State whereby productive industry in the Reformatory is practically forbidden, manual training provides a most suitable and educational means for occupying the time of that class of young men whom it is hardest to keep at profitable employment.

I now have to speak briefly on the physical training that the Reformatory affords. Compare Maconochie's 1,400 convicts herded like cattle, the sick with the well, malformed, deformed, and the youthful unformed all together,—compare this with the classes for physical culture in the gymnasium of any modern reformatory, and you can have no more striking and impressive commentary on the change in the treatment of criminals. Here are the weak, the anæmic, the deformed, ill-developed, all going through exercises prescribed by the physician under the direction of a competent and careful instructor. No one is working according to his fancy, as is often the case in free gymnasiums.

Two classes of men are assigned to the gymnasium: first, all men for the first month of their stay; second, those who have been removed from the routine by the physician for the purpose of physical development. Each man of this class has a prescribed exercise adapted to his particular case and graded to his physical capacity.

With the dumb-bells, clubs, chest-weights, etc., of the gymnasium go the baths, regular and special. Jacob Riis says that dirt is about the only friend that sticks to a poor man, but here the man is taught that he must shun dirt.

I need not dwell on the effects of intelligent exercise and baths in the toning up of the system, the removal of filthy and annoying diseases, and the sure building up of new sets of muscle, nerve, and brain tissue, all going to improve the self-respect and mental equipment of the men.

The next means which we note as a reformatory agent is that of Military Training. At Elmira every man not physically disqualified is assigned at his arrival to the awkward squad, and there left until he becomes proficient in the manual of

arms and in marching. I am aware that there is a reaction just at present against military training. Doubtless its advocates in the past have claimed too much for it. There is also a tendency to decry the military spirit which it is supposed to foster. But there are so many educational features in military training that a reformatory superintendent will cling to it in spite of the theoretical objections against it.

First, there is the quiet, orderly moving of bodies of men from place to place for meals, class and trade instruction, etc. Second, there is the erect carriage and manly bearing induced by it. Third, there is the regular exercise and fresh air obtained by it in the course of drills, parades, and setting up exercises. Fourth, there is the training in prompt obedience. And, fifth, there is the training of hand and memory in the carrying through a silent manual of thirty-six changes of arms without a direction. Any one observing the "setting up" exercises or the silent manual will not fail to be impressed by the fact that military training is the connecting link between the physical and mental training. It is a severe form of both mental and physical discipline. Many men want to give it up, especially on entering the awkward squad, for it gives them almost a knock-down mental shock; but such men, if held to it, are usually the ones who most realize its benefits later on.

We come now to consider the work of my own particular branch of the Reformatory educational work. I might have given all of this paper to it, but, after all, it is only one, and that perhaps not the most important, of the means for mental and moral rehabilitation of the youthful criminal.

Every one goes to school six hours per week. The men are very carefully graded, and a course of study planned to meet the needs of each grade. The stress is laid on the two studies most needed in practical affairs,—language and arithmetic; but careful correlation brings into these two subjects much material in history, biography, geography, physics, etc. Supplementing the drill of class-room work are lectures for the upper classes in economics, history, and current topics, with occasional concerts, illustrated lectures and entertainments.

One thing I try to impress early and late on both teachers

and pupils; namely, that school is not a place for the committing of rules or for gaining ability to pass examinations, but a place where mental shock and stimulus are to be applied with a view to arousing the faculties and training the reasoning and observing powers.

To encourage this idea, the regular studies of arithmetic and language are sometimes interrupted by lessons in practical sociology, such as the following:—

Why is spitting on the street, sidewalk, and public places called a nuisance?

What is the harm in throwing old papers, banana peels, etc., into the street?

Should large posters and signs be allowed on public buildings, fences, etc.?

Is it right that the city should provide public baths in winter as well as in summer?

What is the most frequent cause of poverty?

Are public holidays a good thing? Give reasons. Should we have more of them?

Of what use are good manners to a man?

What is economy? In what way can every man practise it?

Why is a well-bathed person less likely to take disease?

Or by suggestive lessons, as, for example:—

Name the two most famous American patriotic songs.

Why is the eastern coast of the United States especially subject to fogs?

What do you mean by a copyright? What is it for? How is it obtained?

What do you mean by evaporation?

Why will a vessel draw more water in Lake Ontario than in the Atlantic Ocean?

What are bacteria?

How does the United States government collect its revenue?

What is meant by the 'right of "eminent domain" in a country?

In the present war between Russia and Japan, what is meant by the neutrality of China? Why is the principle important?

Last fall, on election day, we devoted the entire session of school to that subject. Each teacher gave a practical talk on the rights and duties of the citizen, qualifications for voting, naturalization, a short talk on the leading candidates

for mayor of New York City, etc., and at the close each classroom was turned into a voting booth, and the members of the class, being furnished with printed ballots identical with those used in New York City that day, were taught to prepare, fold, and deposit their ballots. The votes were counted and result announced on the bulletin board in the hall that evening.

Written tests are held each month, and from these results promotions are made every four months. This gives three promotions in a year,—sufficient opportunity for a man in earnest to acquire much valuable knowledge as well as mental training. I wish there were time to allow me to tell you of the work we do in school with our foreigners. Many of them only a few months in this country appreciate the chance here given them to learn the English language. By means of objects, pictures, and printed outlines, they are soon put upon their feet, linguistically speaking, and fitted to cope with the hard problem of life without the handicap of speaking in only a strange tongue.

In all that we do I wish to emphasize the fact that we work for the individual. Each man has some point of approach, and I tell my teachers, when they complain of a dull or uninterested pupil, that they have not found the means of interesting him, for there is such a means. "All that we can do for the improvement of the race is to make the most possible of each individual."

I must not longer weary you with the details of this phase of our educational work. I could spend much time in telling you of our library, of our weekly newspaper, and of our daily bulletin board. This latter is an innovation that I think will not be found in many prisons or reformatories. Placed in a central position in the hall which every one passes at least once a day, we print upon it each morning the world's happenings. As men march by it, the order of "half-step" is given, that they may read as they walk.

My ideal of a school of letters in a reformatory is that it shall be the intellectual centre of the place; that it shall always be lifting,—lifting up the heavy mass of ignorance constantly falling upon it; that it shall be the means of helping the men under its care to keep in touch with all that is best in the outside world, from which they are temporarily withdrawn.

You ask perhaps, How do you succeed in attaining your ideal? An incident and an extract from a personal letter must suffice. Neither is exceptional.

Some years ago there was a baby born in New York with a repulsive deformity of the hands. His parents for this reason, and because they were drunkards, deserted him. The boy was brought up in the Protectory. When old enough, he was discharged, and left to go his own way. He fell in with a gang of thieves, who made him a member, and on account of his small size used him to crawl over transoms, etc. Grown to manhood, the youth started in business for himself, was detected, and sentenced to Elmira. He began his career there badly, was stubborn, unruly, and frequently in the guard-house. One night when so confined, he walked the floor of his cell, debating whether he should turn over a new leaf and try to be self-respecting and honest or lead the life of a criminal. He decided that he would educate himself to become an expert thief, but he had a fondness for literature, and had become interested in that subject as taught in his school classes. As he advanced, he became more and more interested, and his study so influenced his character that he was trusted to edit the *Summary*, a task into which he entered heart and soul. When the time finally came for his release, he had become so changed through the education he had received that he sought and obtained employment on a newspaper, and is to-day one of the editorial staff of a great city daily.

The letter is as follows:—

Dear Mr. Upham,—As Thanksgiving Day is nearing, I remember where I spent my last one and under what conditions. To-day I feel happy to say that I am a free man and under obligations to no man. But, in saying that, I always bear in mind that for all I have achieved since my release I have to thank the Reformatory for the education I have received there. You have given me knowledge which I could not have obtained from any other source. I also wish that the inmates there would come to their senses, and learn while they have a chance. They will be sorry one day that they did not grasp their opportunity. I wish I could speak and tell them the truth and what they need, if they intend to become honest men, which is education. I would have been lost when I left the Reformatory, but I had a trade and a little

education, and that I achieved here. I started to work for \$12 a week after my release, and have earned \$15 and \$18. But, having a little more education than the other fellows where I worked, I now earn \$22.50 per week. I am assistant foreman and expect another increase in wages after Christmas. This shows that education pays. I am not sorry for the hours that I spent in the school and in the library. It pays to study, and ignorant is he who does not do so.

But no education is complete, in fact, that education is a flat failure which does not make emphatic the moral and ethical principles of society. How are we accomplishing this instruction? Figures, percentages, examinations, can give us no proof. I can only report what we are doing.

In the first place, let me say that the fact that men are sent out of their cells for several hours each week, when otherwise they would be in close confinement, has a distinct and highly important moral advantage. In my judgment, it is worth all the cost of the entire school of letters. Again, the fact that men are placed in well-lighted rooms, in comfortable chairs, and compelled to exercise respect, attention, and a certain amount of consideration for others, has a distinct moral and ethical value. I doubt if 25 per cent. of our population ever sat in a public assembly for an hour at a time, and gave intelligent attention to a speaker or programme. Furthermore, the habits of neatness and accuracy formed in the doing of school work, the demand for faithfulness in the requirement of a certain percentage for a pass mark, all have important moral value. Moreover, we take away all information about the criminal side of life: we call attention constantly to the normal side of things, to practical subjects dealing with a useful and busy life in that society from which the man is now excluded.

Again, the teaching of gems of literature and reading lessons selected for their ethical meaning may have value for some. — In addition to this there is a large field for ethical instruction in the discussion with pupils of such topics as the following:—

Is it a fireman's duty to risk his life for the sake of another's?
 What is self-sacrifice? Give an illustration.
 What is the best occupation you know of?

Does liberty give men a right to do as they please? Who have the most liberty?

What is the bravest deed a man can do? Give your reasons.

For the higher classes the chaplain conducts sessions in which instruction is given both in the theory and practice of ethics.

It may possibly be thought that there is no need for education in behavior at a reformatory where so many educational methods are in use. I suppose in an ideal institution of this kind men's minds would be so occupied with their various duties and occupations that evil deeds would not occur. But no reformatory has reached that ideal. Native habits of laziness, lying, stealing, fighting, overreaching, are too strong. Offences of this kind are always being committed. They must always be detected and punished. I lay emphasis on the word "always," because one offence not found out is sure to breed a host of similar offences. The average criminal youth of the streets began when a child to dodge policemen. Not that he was always to blame, for he may have been merely playing ball, but in the eyes of the law it was an offence: he avoided capture, and thought himself a hero. Step by step he has been led on dodging the law and the punishments of the law until he has come to have a contempt for it, to regard it merely as something to be dodged. He is familiar, too, with all sorts of bribery and easy methods of escape from punishment. Here he must meet an authority that cannot be bought off with tears, bribes, or promises; and it is a stimulating moral shock to him. To find himself in the guard-house, compelled to own up to his evil deed, is many a time the beginning of a moral reformation of our young men. Concerning punishment I have but one thing to say, and that is that absolute certainty of punishment is far more effective than severity. It is the certainty of it that is educational. I have in mind some young men, who, having charge of the inmates' accounts, were detected in a scheme to raise the credits of some of their friends. They were among the most intelligent, capable, and likeable of our young men. But the punishment fell, a setback in grade, calling for several months' longer imprisonment. Since then their conduct has been exemplary. They

are now about to be released, and we believe with far better prospects of success in life than had they not been detected or had they evaded their punishment.

There remains, to speak briefly of but one more educational feature of reformatory treatment,—religious instruction.

Do I seem to be begging the question when I say that the whole system is religious,—in fact, religion of the highest type put in practice? If the treatment that I have outlined is good, then it is God's, and religion should be given the credit for it. For my own part I distrust personal public exhibitions of religion anywhere, and particularly in reformatories. It is extremely easy to attract attention by professions of conversion. It is hard to show that one means anything by it. For this reason, I believe, we have no Young Men's Christian Association or Christian Endeavor Societies in the Reformatory.

We do not have evangelistic services nor prayer-meetings. We believe that a man whose spiritual life has really been quickened by the reformatory treatment will feel that he has to cultivate a delicate plant which should not be exposed to the withering air of the institution's public.

On the other hand, we do believe in religious services such as the chaplains conduct on Sunday. Not only by these is the atmosphere of the whole Reformatory toned up, but by the personal character and ministrations of these men, a Protestant, a Catholic, and a Hebrew chaplain, an untold and untellable amount of good is accomplished.

After a trial of thirty years the public has a right to ask the question which is the general topic for discussion this morning, What effect has education in our corrective and reformatory institutions? There are certain broad and lasting effects to which I wish to allude in conclusion.

First, crime is decreased in those communities where the reformatory system has been best tried. Superintendent Scott, in a recent address before the State Conference of Charities and Corrections, has conclusively proved this. He shows that in Massachusetts, where statistics of crime have been kept for a long time, in the period from 1880 to 1904, while felonies increased 15.3, the population increased 68.2, showing

an emphatic decrease in this catalogue of crimes. He also shows that in New York State in 1896, the first year that correct statistics were prepared, 130,245 persons were committed to the various penal institutions of the State and counties. In 1904 there were committed to the same institutions but 101,554, showing a decrease of 22 per cent., while the population of the State increased 21 per cent.

Second, the reformatory treatment has shown the value of the indeterminate sentence. More than that, it has shown the necessity of removing any maximum period, after which a man must be released, whether he is fit to be or not, and making it a purely indefinite sentence.

Third, and greatest of all, is the reflex education that reformatory education has had upon the public mind and conscience. It has shown us that there are many criminals who ought never to have been given the legal right to live. It has taught us to look into the social conditions out of which young criminals spring. For, after all, gentlemen, we who are working in prisons and reformatories are working at the wrong end of the problem. If social conditions were what they should be, our occupation would be gone.

Reformatory education has taught us the necessity of child-study, and that parents should know the principles of child-life. It has taught us to look on play in a boy as a safety-valve against crime instead of a crime. It has taught us to observe and give heed to the gang spirit which enters into every real boy's life, but which is so likely to lead him into evil associations and crime. To my mind there is nothing more beautiful in modern literature than Mr. Jacob Riis's simple story of how his wife made herself one of the gang to which her boys belonged, in order that, all unknown to them, she might protect them from the evils of the gang spirit. Reformatory education has taught us that there is a "boy problem" which is greater than the problem of crime.

And this effect of reformatory treatment on the public mind will not be complete until it accomplishes three results, namely:

1. Prohibition of marriage for the socially unfit.
2. The training of fathers, mothers, and guardians in the principles of child-life.
3. The permanent confinement of proven habitual criminals.

THE DISCUSSION.

PROFESSOR SAMUEL T. DUTTON, CHAIRMAN.—We all feel greatly indebted to those who have read these splendid papers. I wish that we might have had this room full to overflowing. Fortunately, the papers will be published, and will reach a larger audience.

Now is the opportunity for discussion, and Mr. Upham and Dr. Hill will be glad to answer any questions asked.

ISAAC FRANKLIN RUSSELL, GENERAL SECRETARY.—I am able to speak because I pay the stenographer, and can put my blue pencil through his notes if I do not like them. I want to say that, while this Association has been represented by able and efficient leaders in the past, the present is a period of usefulness. I hope we can give the addresses we have heard to-day a wide circulation under the covers of the *Journal*, our blue-bound book. I have not heard anything from any man, in any place, for many years, that has impressed me more profoundly than the address of Mr. Upham. My mind goes back to the time when Mr. Brockway, of Elmira, brought this same subject to our attention twenty years ago, when good Judge Wayland, of New Haven (whose place I have been trying to fill), used to discuss prison reform and various phases of this intensely interesting body of doctrine. When our fellow-men are sick, it is the proper thing to treat them pathologically as well as morally. We have learned that a square meal, a good bed, and a clean bath were needed quite as much as padded cells and stripes and starvation and hardship. It is gratifying to know what tremendous strides have been made since the time when, years ago, we were taught that the basis of all criminal jurisprudence was vengeance or retribution with the drawn sword. We were reminded in the language of Scripture that the way of the transgressor is hard, and that, if a man spills the blood of his brother, by man shall his blood be spilt. This inspired the criminal jurisprudence of one hundred years ago, when there were over two hundred crimes in England whose penalty was death, including the larceny of a shilling. Now all is different, and we aim at the reform rather than the extermination of criminal offenders.

PROFESSOR SAMUEL T. DUTTON.—My first knowledge of the Elmira Reformatory was about twenty years ago. I went to the office of Mr. Rounds, Commissioner of Prisons, and, while I was there, a young man came in and had a few words with him. He told me that this young man had come down from Elmira expecting to take a position in New York, but, when he arrived here, he found that the place had been taken. The young man had been out doing some errands in the city, and was going back to the Reformatory to await some further opportunity. I was reminded of this by what Mr. Upham said about Mr. Brockway's introducing these methods, and that from the first they were carried out successfully. I would like to ask him what the method at the present time is of sending out inmates, whether they have to wait for a definite opening or whether they are permitted to go out and find the position they seek.

MR. A. E. UPHAM.—I am glad you asked this question. The Reformatory is very strict about that matter. Every man must have a situation before he leaves the Reformatory, to which he is to go. In case there is any man who has not succeeded in getting employment at the end of three months after his parole is authorized, he is allowed to go out for a period of ten days. If he can get employment to the satisfaction of the authorities in that period, he may remain out; but, if not, he must return. The Reformatory authorities do not allow any one to go out without something definite to do.

4. THE EDUCATION OF THE IMMIGRANT.

BY PAUL ABELSON, PH.D., EDUCATIONAL ALLIANCE, NEW YORK.

The problem of educating the immigrant has two aspects: the training of the child and the Americanization of the adult. The problem of the immigrant child will be ably treated by others in the discussion to-night. It is, in fact, nearing solution. It is now some thirteen years since the Educational Alliance of the City of New York began the pioneer work of treating the problem of teaching the immigrant child. To-day some 600 immigrant children, ninety per cent. of them less than six months in this country, are being educated in that institution by special methods to prepare them for the grades befitting their age in the public schools. The importance of this special work has since been recognized by school authorities, particularly because of the unprecedented influx of immigrants during the last decade. The excellent work done in this direction by Superintendents Richman, Shimer, and Straubenmuller of the public school system of the city of New York has put this aspect of our problem outside of the range of experiment and discussion. It is now simply an educational problem in its narrow sense, one of special application to such sections of cities where large numbers of immigrants reside. In fact, the problem now is not so much how to Americanize the immigrant child, but rather how to prevent a too rapid assimilation. A good many years ago Charles L. Brace, the founder of the Children's Aid Society, observed that in the younger generation of the immigrant there is apt to be a moral deterioration. Since then social workers all over the country have confirmed this observation. With the child the question now is how to guard against the danger of weaning him too rapidly from the traditions of the home of the immigrant parent.

On the other hand, the second aspect of our problem, the Americanization of the adult immigrant, is most difficult and perplexing. It may be said that with the exception of the provision of evening schools for foreigners in some of the larger cities of

the Union, and the experimental work of lectures to immigrants in their native language conducted by the Department of Education of the City of New York, very little has been done in the way of educating the adult immigrant. The error lies particularly in the fact that the problem has been treated from the standpoint of pure pedagogics, whereas it presents in reality a social problem of the greatest magnitude.

It is not necessary in this connection to enlarge upon the political, social, and moral aspects of the immigration question. We all agree that the future of this country and its democratic institutions will in a large measure be determined by the way this problem will be solved; for it may be safely assumed that such restrictions to immigration as are likely to be introduced into our laws will not materially alter the present large volume of immigration into this country.

The traditional optimistic view has been that our public schools can safely be relied upon to assimilate this vast mass which in ever-increasing numbers is seeking our hospitable shores. But a close examination of the figures shows that nine-tenths of the immigrants are above the school age, and for economic and pedagogic reasons cannot be reached by our school system. What, then, shall be done to assimilate the vast numbers beyond the reach of the school? From the political and social standpoints the unassimilated immigrant is a burden. Indirectly, he also hinders and checks the natural healthful assimilation of the immigrant child.

Up to the present time the public at large has not given any thought to this question. With the public mind not yet ready to look to the educational forces of this country for the solution of this problem, it is but natural that our educational machinery, always modified and controlled by social needs, should not at present be prepared to undertake the work.

I venture to suggest, however, that this problem of adult immigrant education will before long occupy public attention. It will be pushed to the front as one of the many public questions which the civic renaissance now in progress in this country will call up for solution. For if civic righteousness, municipal as well as national, is to prevail, our immigrant population—Americans in the making—must be taught to share with us in the work of realizing this ideal.

We ask, then, what educational processes can we employ to assimilate the young men, composing the large majority of the adult immigrants, to make them Americans in the fullest sense of the term? Educators in this country have not given much attention to this problem. They have so far judged the immigrant by his readiness and desire to acquire the vernacular. From this standpoint it must be admitted that the results obtained have so far been very unsatisfactory. Inaccurate statistics indicate (1) that but a comparatively small number of immigrants make an effort to take advantage of our evening schools for foreigners; (2) that of the number who do enter these schools but thirty per cent. complete one season's work. These facts have often been interpreted to mean that the first generation of the immigrant must be expected to die in the wilderness, alien to our institutions, unappreciative of our mode of life, unresponsive to our noblest appeals for assimilation.

Of course, our defective methods of instruction in this field are largely responsible for this poor showing. But it may be questioned whether, after all, to teach him the English language is the first and only requisite to assimilate the immigrant, and that, if he has not shown a readiness to acquire the language according to our methods, the task of assimilation is hopeless. From the larger point of view it would seem that the eagerness of the immigrant to acquire the vernacular is not at all an unfailing test of his desire to be assimilated with the American life. The thousands of foreigners, particularly Germans, often unable to speak English, who served in the Federal Army during the Civil War, and the 900 Russian immigrants, almost all of them recent arrivals, who enrolled as volunteers in the Spanish-American War at the Educational Alliance, New York, in 1898, completely refute the theory that American patriotism follows an English vocabulary. Rather is it true, as modern sociologists would put it, that patriotism is more a question of kinship with institutions and ideals.

The problem of assimilating the adult immigrant will not be solved until we begin to look at it not from the standpoint of the teacher, but from the standpoint of the immigrant himself. Those who have had any experience at all with the adult immigrant have observed in him the feeling of disappointment

which overtakes him almost immediately upon his arrival here. Often it is the inevitable disenchantment of an ideal realized. The immigrant naturally does not at once come in contact with what is best of America. From the green fields and the rural life of his native country he suddenly finds himself huddled together with tens of thousands of others in small areas of large cities, where the conditions of life, the competition for existence, and the morale of his surroundings are anything but hopeful and elevating. The obvious economic struggle which nearly every immigrant has to undergo adds to the burden of his depressed spirits. You, my hearers, in higher walks of life, are familiar with the dissatisfied cultured foreigner. You find him in the universities and academies and in the professions. To him "they do these things better in France," "in Germany," or "on the other side." The *poor* immigrant has exactly the same impression of America as his friend of the "other half" of our social scale. Now, then, if instead of wondering why the immigrant does not assimilate himself and become American, suppose we ask ourselves the question, are the conditions with which the immigrant is confronted in this country of such nature as to make him wish to throw his lot with us in a spiritual sense? In other words, are we making an effort to introduce to the immigrant the real America? Is our welcome to him such as to instil in him a yearning desire to share in our Anglo-Saxon heritage?

To my mind our aim should be to afford the immigrant a first favorable impression of America, and, if this effort is to be made at all, it should be attempted at the earliest possible moment after his arrival. For this purpose educational methods can readily be used. A naturally inquisitive spirit and a desire to understand his new environment can be used as a lever to impart to the immigrant a knowledge of American life and its institutions.

It is on the basis of such as the foregoing observations that the Educational Alliance of the City of New York has undertaken to contribute to the solution of this all-important problem of assimilating the adult immigrant. To many of you this unique institution is familiar. For the sake of completeness it may be said here, at the risk of repeating some things well known to many of you, that the Educational Alliance is an institution

organized for the specific purpose of Americanizing the immigrants residing on the lower part of the East Side of New York. Founded in 1891, when the large influx of Jewish immigration from Eastern Europe began, this institution has since been managed and supported almost entirely by the Jewish people of the city of New York. Its multifarious activities, educational, social, moral, and religious, for men, women, and children, require the use of a large, five-story building at the corner of East Broadway and Jefferson Street, and two branch buildings, all of which are in constant use from 9 A.M. to 10 P.M. throughout the year, with an annual budget of over \$100,000.

While all the work conducted by this institution, in which over four hundred paid and volunteer teachers and superintendents take part, is devoted exclusively to the Americanization of the foreign-born people residing in its neighborhood, irrespective of race and creed, I shall confine my remarks to the work with the adult immigrants. There is probably no other institution of this kind that reaches the adult immigrant in so many ways. Every possible need for the satisfaction of which there is a demand on the part of these immigrants is met, and throughout these activities there pervades a spirit of personal interest in him. We use every educational method that can be employed for this purpose.

To give you a clear idea of what the Educational Alliance does in the way of educating the adult immigrant, let us take the case of a recent arrival on April 1, 1906. On the third day of his arrival (not an imaginary instance), on his first visit to the Educational Alliance, he finds himself in a commodious, large, well-ventilated reading-room. Here he finds newspapers and periodicals in his native language side by side with English papers and magazines. This peculiar reading-room was established because we appreciate the fact that the adult immigrant has intellectual interests which must be supplied immediately. We desire that the immigrant, while laboring with the task of acquiring the new language,—at best a slow process,—shall not find himself entirely lost to the world. The fact that over one thousand persons, seventy-five per cent. of them recent arrivals, frequent the reading-room daily is good proof of its necessity.

On the same day that he first visits the Alliance, our three

days' American joins the Evening School of English and Civics for Immigrants. This school is in session throughout the summer while the public evening schools are closed. It has at present a daily attendance of over five hundred, with a waiting list of over one thousand. In this school every effort is made to facilitate his acquisition of the language, and a serious attempt is being made to do pioneer work to solve the strictly pedagogical problems of teaching a foreign language to the immigrant adult. A careful system of grading pupils according to their previous education is used. There are no less than twelve grades. If he is a well-educated foreigner, he finds himself placed in a class with people of like educational advantages. If he knows but little of any European language, he is placed in a class with pupils of a similar grade of culture. If he knows but the elements of the Yiddish language, he is placed in an appropriate grade. Teachers well trained, thoroughly imbued with the spirit of American institutions, in sympathy with the immigrant, knowing his language, understanding his conditions of life here and in his native country, labor faithfully and conscientiously to help him. Promotions are very frequent. A practical course of study includes, besides the elements of the English language, American history, geography, industrial conditions, customs and manners, institutions, and government. The instruction in American history, conditions, etc., is given to larger groups of the school, by informal lectures illustrated by stereopticon views, diagrams, etc., and is correlated with the class work done by the individual teachers. The instruction in English includes conversation, reading, grammar, memory work, penmanship, dictation, and phonetics. All of the instruction is closely correlated, and is based on a list of essential words needed by the immigrant, ranging from five hundred to one thousand, according to the pupil's grade of culture. The keynote of personal service is sounded in this work. Besides the personal contact of the teacher, those in charge of the work with the immigrants immediately place themselves in personal touch with him and his needs.

Very often the recent arrival is unable, because of the stress of economic needs, to give up four evenings every week to study in our evening school. For such the Educational Alliance makes special provision, Realizing that he is living in an atmosphere

strangely foreign to him, in a quarter of the city un-American in its environment, an attempt is made to counteract this influence by a course of popular lectures on American history, its government, customs, manners, and institutions. This series of some twenty-five lectures is given in his own language. The course, elementary in its character, illustrated by a collection of about six hundred slides and diagrams, informal in presentation, succeeds admirably in giving the immigrant a correct perspective of what America is and what it stands for. Discussion by the immigrant forms a part of this course of lectures, his strange misconceptions of the spirit of our institutions are thus cleared away, and a real sympathy for things American is engendered. This course covers the main outlines of the history of the country, a popular study of the national government and its problems, of the State government and its problems, of the history of the city of New York, its government and problems. The opportunities and advantages of rural life away from the congested centres of population are ever emphasized. It is an inspiring sight to see a group of two hundred immigrants, ranging in age from seventeen to seventy, men and women, sitting with their pamphlets of the American Constitution and the Declaration of Independence in Yiddish and in English in their hands, eagerly drinking in every word of the explanations of the teacher of the meaning and significance of these momentous documents of human history. No wonder that at the conclusion of this course so many of them are eager and anxious to take out their "first papers," and in that way indicate a desire to be incorporated as soon as possible into the American body politic.

As soon as the immigrant has acquired a sufficient mastery of the vernacular to understand simple English, courses of lectures are immediately given in the English language. In such courses the aim is to stimulate the immigrant to independent study of America. Simple American histories, stories of American life and customs, are brought into the class-room, shown to the pupils, and references for deeper study given. To such an extent have we succeeded in creating an interest in things American that requests have come from the immigrants themselves for excursions to the different historical spots in the city of New York.

Besides this direct instruction in English and in American conditions different opportunities of an educational character are afforded to the immigrant by the Educational Alliance. For the older women, those whose children are being taught in our English School for Immigrant Children, cooking classes are organized in which the mysteries of American housekeeping and the study of the English language are strangely blended. At mothers' meetings the significance of American life, the care of children, and the peculiar conditions of their new environment are brought home to them by talks in their own language.

For the younger women, classes in dressmaking, millinery, and housekeeping, and social clubs are organized. The care of the body is not neglected, and the large gymnasium with shower baths is at the disposal of the adult immigrants, men and women, at a nominal fee. Even the stage is brought into play in this process of making Americans, and special entertainments are planned for the immigrant.

For those who, coming to America in the sunset of their career, worn out with the ceaseless toil and oppression of a despotic country, find assimilation with American life a problem beyond their capacities, the Educational Alliance still provides some intellectual and spiritual culture. For them special lectures and classes on Jewish literature and history are given in their own language. A series of moral lectures in Yiddish, in which the special aspects of American life confronting the immigrant are emphasized, has been a popular feature of the Educational Alliance for a number of years. The large auditorium accommodates every Friday night some nine hundred eager listeners who come to drink in every word of a message telling them the meaning of the new life as expressed by one of their distinguished national orators.

Besides these educational activities the Educational Alliance reaches the immigrant in other less direct ways, and thus in a broader sense educates him to an appreciation of America. The institution participates in the communal affairs of the immigrant life, it fosters and encourages self-help, its buildings and its facilities are ever at their disposal for gatherings and discussions. Its superintendent and his staff are ever ready to co-operate, suggest, and advise with them. Even an in-

formation bureau especially designed to be of assistance to the immigrant has recently been established.

From the results of the work with adult immigrants carried on by the Educational Alliance the following principles may be laid down:—

(1) The initial aim in educating the immigrant should be to introduce him to American life.

(2) This can best be done by popular instruction in courses of lectures on American history, government, institutions, etc.

(3) The mother tongue of the immigrant should not be avoided in such instruction.

(4) We shall not achieve any success in teaching the vernacular to the immigrant until our methods of instructing the immigrant shall have received thorough scientific treatment.

(5) The spirit of personal service is the factor most essential for the success of educational work with adult immigrants. Only such persons should be engaged in the work who are thoroughly in sympathy with the immigrant and who understand his problems and needs.

(6) The work should be begun as soon after the immigrant's arrival as possible.

In conclusion, I should like to anticipate a question which will probably be raised in the course of the discussion. It will undoubtedly be asked whether our public educational institutions are equal to the strain which such an elaborate scheme of adult immigrant education would entail. I can only answer that to my mind this new aspect of our educational activity is worthy of calling forth the noblest patriotic effort. The history of our country shows that it has always been some moral idea that has called forth our best energies. First it was a contest for national independence; then it was a struggle to realize in actual life the noble principles of liberty and equality enunciated in the Declaration of Independence; then it was a struggle for the emancipation of the slave; again, it was a supreme effort to heal the wounds received in the destructive Civil War; lately, it was a passion for humanity, to help a struggling island to freedom. Is it not possible that our next supreme moral effort shall be to train hundreds of thousands of struggling immigrants to a real enjoyment of the blessings of our institutions? If noble men and women can sacrifice themselves

to teach the heathen English and religion, can we not expect that American manhood and womanhood will make every possible sacrifice to teach the immigrant English and true patriotism?

THE DISCUSSION.

MR. JOHN GRAHAM BROOKS, PRESIDENT.—But this all comes back to where I expected it to come. I simply urge this,—that I do not think it is fair to call it too rapid assimilation. The child comes from Calabria and plumps right down in the city of New York, and, while the father and mother are busy, the child imbibes the lessons of the street and runs away from its parents, creating prejudice; but I object to your calling it assimilation, that's all.

DR. PAUL ABELSON.—In answer to Professor Brooks: I stated that the child is in danger of too rapid assimilation. I should not like to give a lecture on social elements, but those who have had experience know that, when the child is going higher and the father lagging behind, the home is broken up, and the verse of Scriptures, "A child shall lead them," becomes true, in fact. When the father needs the child to act as an interpreter, the child comes to think "he knows it all," and filial piety—the thing we consider most sacred—falls to the ground. This is what I mean by too rapid assimilation. One of the first things an immigrant child learns is that his father and mother are "behind the times." The remedy is to assimilate the parent. This must be done in a way different from the one used in Americanizing children. You can teach a child, especially the child of the immigrant, by precept and example, and fill him with enthusiasm, but not the older immigrant. It is a pretty sight to see in our classes for immigrant children a thousand children saluting the flag, singing national songs, and pledging allegiance to this new land. We can do that with the children of the immigrant, but not with the older immigrant,—the adult. The adult can only be appealed to through his mental faculties. He will not sympathize with things American until he has overcome his natural prejudices against his new environment. This is a much slower process than the emotional way of the child. For this reason the child is apt to become too rapidly American, and there all the trouble begins. Those who have had any experience in the field of immigrant child work will support me in this assertion.

DR. ISAAC FRANKLIN RUSSELL, GENERAL SECRETARY.—Am I right in thinking and in interpreting your sentiment that the children of Hebrew immigrants are too ambitious to become distinguished and wealthy? At the university where I am professor some sixty per cent. of our students, who number about seven hundred, are sons of Hebrew immigrants; and one distinguished gentleman, whom I respect highly, and who is a heavy contributor to the funds that sustain the work of the Educational Alliance, occasionally rebukes me for educating too many Jewish boys for the bar. But I find they have the money for tuition fees and the disposition to learn, and they come and take the front seats, and at

examination they walk off with all the prizes, leaving the Sons of the Revolution and the descendants of New Englanders without anything in the shape of honors and distinction.

Had you anything of that in mind when you spoke about the too rapid assimilation of American ideas by the children of Jewish immigrants?

DR. PAUL ABELSON.—Professor Russell has six hundred of them. There are six hundred thousand in the city. There is apt to be a misunderstanding between the parent and the child, and we try to bridge the gap by telling the child that things are done differently in the old country, and by advising the parent to meet children "half way." In other words, we preach to the children that whatever *they* think is *American* is not always so, that their parents know more than the children, even though they do not know the language of America. As Professor Brooks gently rebuked me for my use of the words "too rapid assimilation," I will put it differently. I think the immigrant's child is apt to become too soon an American child. Everybody is trying to counteract this tendency. There is, of course, as I said before, another remedy: that is, to make their parents more rapidly American. This we are doing.

I thought perhaps somebody might object to the use of the foreign tongue in educating the immigrant. I expected a hard battle on that proposition.

PROFESSOR SAMUEL T. DUTTON, CHAIRMAN.—We hope to have some discussion on this interesting subject, and I am going to ask first for Rev. Dr. Radin, if he is here. I would like to get the opinion of a few of the clergymen upon this subject of "The Education of Immigrants."

REV. DR. ADOLF M. RADIN.—I want to say, ladies and gentlemen, that I have no experience whatever with any other nationalities than Hebrews; but as regards Jewish-speaking races I think I know something about the matter. I am deeply interested in the remarks made by Dr. Paul Abelson, that we are doing too much for the education of the children of immigrants. Our system is such that everything is being done for them but we neglect the parents. I think Mr. Straubenmüller made the same remark. Our principal aim should be to bring the parents of immigrants and the children into harmony. I know from experience that not all immigrants are of a low grade of intelligence. The parents are by no means responsible for the wrong-doings of the children. The children are too apt to look on their parents as ignorant. One says to his father: "You are ignorant. You don't even know English, but I do." If we would take care of the parents, we should try to Americanize them as much as possible. Teach them something, even if we are not able to teach them English at once. Some are quite anxious to speak English at once. I feel badly when a long-bearded Hebrew says to me that he would like to learn English. Dr. Abelson is perfectly right in saying that the immigrant's first impressions of American institutions are not very flattering. Even if the immigrant is not able to learn English at once, why not educate him in everything appertaining to America and its institutions in his own language? Then, if he ever does learn English, he is equipped to talk with his children, and, if not, he can talk to them in

his own language on subjects that will interest them. Now, friends, I have often said to my immigrant audiences that because a thing is American that is no reason why it is proper. Lectures before children are very effective: the children become assimilated. I mean the children assimilate the sounds relating to the language very readily, but lectures to the children alone are not sufficient. We must take into consideration the parent. Let us put our lectures on morality and our lectures on American institutions into the language they understand.

You cannot possibly teach a man who is fifty or sixty years old to speak and read English fluently, and, if you preach to him in that language,—a language which he does not understand,—you lose your time and he receives no benefit; and I think you will acknowledge that it is best that we should attempt to teach him in a language which he is able to understand.

Permit me to make a few remarks about one phase of immigrant education which we have introduced; namely, religious education. Although I take my subject from the Talmud, I always speak to the congregation on American institutions. In their own language I explain to them these institutions, and I tell them of the many experiences which I have had with true Americans, and the way I tell them makes a more real impression than if some one came to speak with them in the most classical English. After all this he learns how to behave himself, how to conduct himself in public places. In the old country they have no pleasures or amusements. The synagogue is everything for them: it is their meeting-place, their place of amusement. You must teach them that in America this cannot be done; that the times and conditions have changed; that the synagogue is but a place of worship, and not a place of amusement. They never knew any distinction between their place of amusement and their place of worship. We teach our children Hebrew, but we believe that at our public schools, most of them, the principles taught are those we would have taught. They, beyond doubt, save the children from demoralizing influences. The best things are learned there by them, and I think the education of the Hebrew immigrant, outside of his own schools where he is taught in Hebrew, is best accomplished in the public schools.

PROFESSOR SAMUEL T. DUTTON, CHAIRMAN.—I think I understand what Professor Abelson means by too rapid assimilation. That is not confined to the children of immigrants. It is found quite commonly in the family, and of course the thing could be corrected by proper education.

It has been most interesting and most encouraging to note what one institution is doing in New York, and it is also encouraging to know that there are other institutions that extend the hand of helpfulness to immigrants. We have in New York a system of public education which is a sort of object-lesson to all public school systems. I feel sure that we shall be interested to learn what the public schools are doing in the way of educating those who come to us as immigrants.

I take pleasure in presenting Mr. Gustave Straubenmüller, Associate Superintendent.

5. THE WORK OF THE NEW YORK SCHOOLS FOR THE IMMIGRANT CLASS.

BY GUSTAVE STRAUBENMUELLER, ASSOCIATE SUPERINTENDENT OF SCHOOLS, NEW YORK CITY.

The heart of the immigrant of our day turns to the land of "limitless possibilities" just as longingly as did the heart of his predecessor of long ago. His reasons for giving up his native land and the environment he loves are generally very strong. Let the influences that led to his emigration be what they may, he suffers pain in parting from the old-time life, and comes to us with a void in his heart, with longings for the fulfilment of his hopes and dreams, with every intention of becoming a good, upright, and patriotic citizen. It is our duty, not only as a nation, but as individuals, to lend him a helping hand, to give him not only work, but sympathy and encouragement, to help him become one of us. In other words, it is our duty to be active to the best of our ability in the work of making happy and contented American citizens of these seekers for new homes.

The present influx of immigrants differs greatly ethnologically from the other streams of immigration to our shores since we became a nation. It is complex in character, and presents so many new difficulties to those interested that they speak of it as the *new* immigration.

How can this new immigration be assimilated in the shortest possible time? What is New York doing in its public schools for the immigrant class?

With the steadily increasing numbers of immigrants alien to us in speech and habits, in standards of living and political training, problems are arising which must not only be confronted and discussed, but which must be solved. The two great factors that must exert their utmost power in the solution of the immigrant problem are (1) the general government and (2) the community in which large numbers of aliens settle. If the work of these two factors be thoroughly planned and carried out, and if their influence be properly exercised, the

result will be the rapid assimilation of foreign elements into our civic life.

The general government's concern is with legislation planned to sift, to register, and to distribute the alien arrivals. In other words, it should concern itself with all the problems that arise before the immigrant reaches his destination. Then comes the responsibility of the home factor, of the community in which the foreigner settles. It is the influence of the home factor upon which so much depends, for it is this influence that continues throughout the life of the immigrant.

Assimilation is largely a matter of environment and education. What is our city doing to assimilate its aliens? How is New York, the community in which we live, meeting this grave responsibility? The problem of assimilating great masses of peoples with different tongues and customs is not a new one, not even in our country, where the Indian problem still confronts us. The Russians, the Austrians, the French, and the Germans are engaged, with varying degrees of success, in teaching their languages and their customs to peoples foreign to them in vernacular and habits of thought. Their efforts at assimilation are met by serious obstacles that tend to retard the object aimed at. A subjugated race, though it may be compelled to change its customs, clings with pertinacity to its mother tongue, it fosters it in the home circle, and it encourages secretly and often openly the retention and cultivation of its vernacular. The retention of the mother tongue is no crime. On the contrary, it should be encouraged, provided it is not done at the expense of the language of the country. In our country there is no such opposition to overcome. The aliens of our city are not a vanquished people, they are not unwilling subjects; they have come to make their homes with us, to be Americans, and do not actively oppose efforts to teach them and their children our language. On the contrary, they are longing to become Americans. With their willingness and anxiety to learn English and to become citizens, our problem is easier of solution than in the countries quoted above.

Any community can easily absorb a few foreigners. Environment will quickly and most effectually do its work where aliens are few in number and scattered. But when aliens settle down in great numbers, when they live in "Ghettos"

and "Little Italies," when they continue to speak their native tongue exclusively, when they practise native customs exclusively, then they cut themselves off from us, and environment does not meet the situation. They continue to be strangers in a strange land. These strangers in our fold naturally divide themselves into two large groups, the child group and the adult group, the immature and the mature, the one amenable to the compulsory education law, the other beyond its influence.

Both the foreign child and the foreign adult must be educated according to our standards, in order to make assimilation complete. There are not many, if any, who will dispute the necessity of educating the foreign child, but there are some who do not grasp our obligations to foreign parents because they lack insight into the home relations created by us in giving new ideals to one and neglecting the other. We have no right to educate a child away from its parents. Our failure to recognize this truth has led to serious results in the social life of these communities within our community. Miss McDowell, a writer in *Charities* says correctly:—

Everything seems to be done to develop and educate the children, forgetting that this cannot be done for the child independently of the family or the community. The school, the church, the social settlement, all emphasize the child's importance. The parents are ignored, left behind, and the breach between the new and the old in the family is not spanned as yet by any of the agencies in the community.

The city of New York offers to its foreign adults educational opportunities in its evening schools, in its lecture centres, and in its parents' meetings. Long ago, back in the seventies, the educational authorities recognized the fact that a speaking and reading knowledge of English is one of the most effective instruments in assimilation. They, therefore, opened the doors of their evening schools to the foreigner; that is, they established special classes in which he is taught to speak, to read, and to write English. In 1879 there were 42 evening schools in Manhattan and Brooklyn, attended by 1,376 foreigners taught in special classes. In 1905 there were 75 elementary evening schools, in which nearly 36,000 foreigners were taught in 553 special classes. Whereas formerly many

elementary evening schools contained no classes for foreigners, or but very few, there are now 75 schools, out of a total of 77, in which such classes are established, and, indeed, in some very large schools that is the only organization, as all the pupils are foreigners. The foreign department in our evening schools has become an extremely important part of our school system. The foreigner's object in applying for admission to our evening schools is, first and foremost, to learn to understand and to speak English as quickly as possible, then to learn to read and write it. His incentive is the necessity for bread and butter; his stimulus is the knowledge that, to improve his condition, he must understand the language of the country and be able to make himself understood in it. Therefore, English is made the language of the class-room, and conversational exercises form an important part of the evening's exercises. The aim of the teacher is to give the pupil a utilitarian vocabulary and practical fluency in speaking English. The teaching is, at first, oral and objective. Difficult sounds are practised, and idioms are studied. As soon as the pupil has acquired some facility in reading, the history of our country is taken up, read, and discussed. The subject of civics is also given attention. In many of the schools and classes patriotic songs are taught and sung.

But this is not all that is done for the adult foreigner. Many immigrants come to our shore who are too old to learn our language, but not too old to take an interest in our institutions. We cannot appeal to them in our tongue, and yet it is necessary to reach these people. The Department of Education has a free lecture system for adults. Under the able direction of Dr. Leipziger, Supervisor of Lectures, a series of lectures are given each year in foreign tongues. In one of his reports he says:—

The need of education for adults is especially felt in this city, the gateway of America, through which the majority of immigrants pass, and where so many remain to intensify the problem of civic administration. From the lands where freedom is rare, where opportunity is limited, and education far from universal, these immigrants come to be transformed into Americans, and the wisest means are educational. In justice to these new-comers to our shores we must say that among no class of our body politic do we see more desire for education.

And so, while the younger generation attends the lectures in English, the lessons of American development and civic duty are brought home to the elders in their own tongue. At five lecture centres lectures were given in Italian on American History, Civics, and Sanitation, and at five other centres in Yiddish. At all these centres good audiences greeted the lecturer.

The first lectures in Yiddish and Italian were given in March, 1903. The subjects treated in these lectures now are American history, geography, and biography; American institutions; the rights and duties of American citizenship; the principles of sanitation and hygiene. Some of these lectures were given on Sunday. They were not only well attended, but requests for the establishment of additional Sunday centres were received.

And still another method of reaching adults is in practice. Parents' meetings are held in the school-houses. They are conducted by the principals and teachers of the respective schools. In these meetings, sometimes held in the afternoon, but more frequently in the evening, the parents of the children are addressed by school officials, physicians, and people prominent in other walks of life. In sections specifically foreign, men speaking the language of the parents are invited to address them in their own tongue. Music, instrumental and vocal, and recitations are interwoven to entertain the visitors. The school work of the children is placed on exhibition, and parents are advised to visit the class-room and teachers of their little ones in order to become acquainted with those intrusted with the education of their offspring, and to bring about a closer relation between home and school, without which the training of a child is incomplete. In order to bring the poor immigrant under the elevating influence of music, free concerts are given during the evening on the roof garden of the schools in crowded sections.

And now let us see what the city is doing for the immigrant child. The movement of special attention to non-English speaking children is of later growth than evening instruction for adults. Necessity was the mother of invention in this case, as it is in so many others. Dr. Maxwell, early in his career as city superintendent, recognized the importance of considering the special needs of these children. As long as there were relatively few of these little foreigners to be assimilated, the

problem took care of itself. When, however, it was found that many children of all ages entered our schools who could not read or write their native tongue, and who had never attended a school in their native country, it became evident that it was to the interest of these children to segregate them for a time and to give them specialized instruction. To place these non-English speaking and illiterate children in classes with our own little ones, just learning to read and write, was manifestly unjust to both. The aim of instruction in the one case was to teach our little ones to speak, read, and write in their native tongue correctly. In the other case the aim was to teach a foreign language, namely, English. In the last report of Dr. Maxwell, July 31, 1905, he says:—

Considerable progress has been made during the past year in collecting these foreign, non-English speaking children into special classes, in which during their first five or six months in school they spend their time almost exclusively in learning to speak, read, and write the English language. As soon as they have acquired the linguistic medium, they are transferred to the grades where they appropriately belong. We have now over two hundred and fifty such classes. Formerly the custom in this city was to place all of these children, no matter what their age, in the lowest, or next to the lowest, grade. This arrangement was the most ineffective possible for the immigrants, and seriously retarded the progress of the regular first-year children. By the change described above the children of normal school age in the first year are left to pursue their work undisturbed by children of larger growth who do not know the language, while the latter find a more congenial atmosphere and more suitable companions in their special classes.

Since that report was published, less than a year ago, the needs of foreign children have become still more urgent, and the city superintendent issued a circular to the principals of schools, embodying a report adopted by the Board of Education approving the recommendation of the Board of Superintendents that three new grades be established in the elementary schools, namely, C, D, and E. Grade C classes are to afford non-English speaking pupils an opportunity to acquire speedily the ability to speak, read, and write the English language. No child, of whatever age, is placed in a class of Grade C, unless he needs to learn to speak the English language. The suggestion is made

that every pupil placed in such a grade should be removed from it as soon as he has acquired sufficient speaking vocabulary to take up the work of another grade, and should be placed, in accordance with his attainments and prospects, either in one of the regular grades or in a class of Grade D or Grade E.

Here we find recognized the principle that complete segregation of non-English-speaking pupils is injurious. They must be placed as soon as possible in one of the regularly graded classes of the school.

The Grade C classes, as you will understand from what I have said, are intended for non-English-speaking pupils only. As soon as a foreign child has completed the work of Grade C, he is placed in another class. Sometimes he is put in a regularly graded class of the school and sometimes in one of the special classes D or E, which are not intended solely for foreign children. If pupils who have completed the C grade are much beyond the normal age of pupils in the regular grades from 1A to 4B, and if it is reasonably certain that they are going to work as soon as an employment certificate can be obtained, they are placed in the special class known as Grade D. These Grade D classes "accommodate pupils who are almost fourteen years of age, who desire to obtain employment certificates, and who have no prospect of completing the elementary school course." In these Grade D classes there is special instruction given to enable the child to meet the provisions of the child labor law which says that a child, before receiving an employment certificate, shall be "able to read and write simple sentences in the English language," and shall have "received instruction in reading, spelling, English grammar, and geography," and shall be "familiar with the fundamental operations of arithmetic, up to and including fractions."

If, however, there be a reasonable prospect that the foreign child will complete the elementary course, or will be permitted to remain in school after leaving the Grade C class, he may be placed in a Grade E class. These Grade E classes are organized "to afford pupils over the normal age in the grades below 7A an opportunity to make special preparation for admission to the 7A Grade, and by so doing to shorten the time necessary to complete the work of the elementary school."

A syllabus is about to be issued by the Board of Superin-

tendents treating in detail of the organization, the aim of these classes, and the methods of instruction to be followed.

Another method of reaching the foreign children has been much in vogue in overcrowded sections where part-time classes are a necessity. The part-time teacher in her free time takes two, three, or four of these children into some quiet corner of the school-house, and gives them special and practically individual instruction in English. It is quite interesting in walking through one of these school buildings to come upon a teacher with "her little flock" in unexpected places.

In this brief outline of what the public school system of New York is doing for the immigrant class it has been shown that the educational authorities realize their responsibilities and are doing their duty to the best of their ability to help the home factor to make our foreign candidates for citizenship acquainted with American ideals and standards of living, to foster family ties, to train the children in our ways, and to make happy, contented, and patriotic Americans of those who come here seeking "the promised land" of their dreams.

THE DISCUSSION.

PROFESSOR SAMUEL T. DUTTON, CHAIRMAN.—Our discussion would not be complete if we did not, after this, hear from Commissioner Watchorn.

I take the liberty of introducing to this audience Mr. Robert Watchorn, Commissioner of Immigration at the Port of New York.

MR. ROBERT WATCHORN.—*Ladies and Gentlemen*,—One can scarcely resist so earnest an invitation or request as that made by your chairman, in deference to which I take great pleasure in adding a few words to what has already been said.

The society is certainly indebted to the two gentlemen—Professor Abelson and Superintendent Straubenmüller—for the splendid papers they have just read. I do not recall having heard more interesting papers read, certainly not on this subject. Professor Abelson, whose life-work has thrown him into the heart of the great East Side, where he observes the constant friction between the inert forces of the Old World and the active earnest life of the New, no doubt has a tendency to be pessimistic. But, surely, he would not undertake to retard the progress of the youth because of the lethargy or, rather, the incapacity of the old. For people with whom he comes in contact no doubt it is, as he says, a somewhat distressing matter to find their children acquiring the use of the English language, thereby fitting them for accelerated assimilation with the people and

institutions of this great land, while they themselves remain much as they were in the old land, the only difference being that they have ocular demonstrations of the vast changes that have taken place, putting an ever-widening gulf between themselves and the possibilities to which their children may attain.

One is reminded of a familiar sight in the barn-yard,—that of a hen having hatched out a brood of ducklings. As soon as the ducklings acquire strength enough to walk, they are fired with a desire to swim, and they make for the nearest pond. I am sure all of us are more or less familiar with such sights, and we have observed the mother hen complacently scratching gravel on the brink of such pond while the ducklings have disported themselves with glee at their morning swim. The mother hen stands complacently by and waits for their return, and she shelters them with every evidence of affection and motherly devotion when they do return. And I have an idea that the fathers and the mothers of the great East Side will undoubtedly enjoy the knowledge that their children can enter into the spirit of the times and enjoy privileges for which they themselves feel unfitted and incapacitated.

At all events, we must not cease to rejoice with the children, even though we must commiserate the old folks. The hope of the land and the future lies in the children, and the avidity with which they acquire knowledge of our institutions and the celerity with which they become thoroughly assimilated sounds an unmistakable keynote of hope for the future welfare of the Republic.

Parents who postpone their emigration until they have passed settled adult life cannot hope to make rapid progress in getting out of their settled form of speech, habits of life, and daily customs. They remind one of the corpulent drummer who, on a hot July afternoon, ran at the top of his speed, burdened with his hand baggage, in an effort to catch a train. On reaching the gate leading to the platform, the watchman closed it, indicating that the train was already moving. The drummer dropped his baggage began to mop his brow and to breathe like a man very much exhausted. The watchman, sympathizing with him, remarked, "Mister, you didn't run quite fast enough." To which the drummer replied as soon as he could catch his breath: "Oh, yes, I did! Oh, yes, I did! But I didn't start soon enough."

The strength and stability of this great Republic is due to the diversity of its institutions, each and every one of them a tower of strength in itself; but the central or keystone of the whole arch is undoubtedly the public school, and so long as its doors are kept open to all comers and the spirit of the Republic is breathed into the lessons taught therein it will continue to acquire strength with age, and its stability will become more and more invulnerable with each passing decade.

It is true that many of the immigrants landing on these shores appear, to the casual observer, to be an unassimilable element; but that which cannot be moulded and fashioned by the public school cannot be said to be a harmful element, either as to quantity or quality. More than eighty per cent. of the immigrants of this year are under forty-four years of age.

It would be impossible for this great mass of humanity to remain unimpressed by this new environment, with such men as Professor Abelson and Superintendent Straubenmüller, actuated as they are by a high order of impulse for public good, devoting their lives to the work of education in the public schools both by day and night, and with a public-spirited populace gladly furnishing the funds necessary to place education within the reach of the humblest person within the confines of the Republic, including those who have but yesterday stepped out of the hold of an Atlantic liner.

The safety of the Republic is assured, and it will forever remain a beacon-light, not only of warning, but of encouragement and hope to the people of all lands. He who does not observe this Republic rising head and shoulders above any other nation and taking its first place among the nations of the earth is blind indeed; and in this fact we find our greatest encouragement for the present and our unlimited assurance for the future.

6. EDUCATIONAL PREPARATION OF ITALIAN EMIGRANTS.

BY COUNTESS CORA DI BRAZZÀ-SAVORGNAN.

It is necessary for you to have clearly in mind the instinctive attitude of the average low-grade immigrant who settles here, to be able to weigh his value and see whether he is worth assimilating as he is or preparing by education in Italy for a more rapid assimilation. Anecdotes, like snap-shots, contain every detail of an instantaneous picture, if we pause to study them. An ignorant Italian laborer, who had prospered in America, gathered together some money, established a family here, and furnished it with a comfortable home, returned to Italy to visit his neighbors and the village of his birth. He must have been an enthusiast about America, for one asked him, "Since all is so delightful there, why did you leave that country?" "I returned because I longed for Italy, and wished to see it again before dying." "What," said the stay-at-home, "you remembered Italy when you had become a prosperous American citizen and renounced your rights here?" "Ah!" said the *American*, "all life is the same. I feel toward America, my new-found country, as I feel toward the wife of my choice. America is the companion of my life, without whom I should be miserable, with whom in daily intercourse I am growing into a stronger and better man. But beautiful Italy is my dear mother. I reverence every line of her sweet features. I yearn for her as one yearns for one's mother. I would not be worthy of the great wife I have espoused, did I not love my mother as I do." If we place this typical picture of the recruited alien citizen near the newly arrived Italian immigrant, no matter how ignorant and illiterate he may be, we will appreciate his possibilities. And it seems to me one cannot legislate correctly without keeping before one a composite picture of what Italian immigrants have done and are doing for this country, from Columbus, the Cabots, and Americus Vespucius to Marconi, the Italian musicians, the painters and sculptors, the humble stone-cutters who carved the traceries of the pillars that sup-

port the wonderful staircase of the capitol at Albany, or fitted and polished the marble linings of your fireproof buildings, and the laborers who count not the cost of tunnelling your hills or building your bridges, many of whom are absolutely illiterate.

My predecessors were speaking of their experience with free night and holiday schools for the instruction of immigrants. I have tried the same thing on the other side. We are like bacteriologists, only we find the most interesting microbes to experiment with and propagate are those of the human soul. Our night schools were in Northern Italy, in the school-rooms of our township. Italian provinces are divided into districts, and these into townships, which pay for their own elementary schools, placed at convenient distances one from another. In the rural districts the children frequent them from the age of seven to ten or twelve, and too often forget what they have learned before they reach womanhood or enter the army (our best school for young men). We have no free libraries with popular literature in the rural districts, and even those of the cities are deficient, for few people in studious and analytic Italy have thought it worth while to write with that interesting and instructive simplicity which the plain man can understand and appreciate. When we planned our night schools in the neighborhood of our castle, the majority of our older peasants, autocratic heads of families (by the election of their associates, as is customary there), some of them over sixty years of age, did not even know how to figure on paper. At our request each parish priest announced one morning in late October at mass that applications to attend the night school, which would be open three times a week from seven to nine, would be accepted for three days at the village inns, and the first eighty would be admitted to learn reading, writing, and arithmetic. The instruction began after All Saints' Day and lasted until the middle of Lent, when the temporary emigration to the north of Europe begins. Some girls came with their relatives, but soon fell away because the parish priest considered it imprudent to have coeducation, and opposed it. The first year we gave them their books, writing paper, etc. The next year they insisted upon paying for these themselves. The third year, about the first of October, their leaders came to me, and said: "We have arranged it among ourselves and with the public

school-teachers, so that you will be at no expense for us this year. They are well satisfied. We are going to pay them two francs each, and there are seventy of us for each school." So it came to pass that they run their own night schools in my neighborhood, and there are hardly any illiterates left.

We have six thousand night schools in Northern Italy, subsidized by the government or supported by the townships. In some of these the object is to teach the worth of things, customs, and language, where possible, of those foreign countries to which men and boys of that region emigrate; and this has been found to be of vast advantage, so that the government has a special sum at its disposal for this object, appropriated thereto by act of Parliament. In the North Italian schools they also learn advanced agriculture, the chemical renewal of the soil, dairying, organization of co-operative stock companies for the purchase and sale of agricultural and domestic necessities and products, and many useful handicrafts and by-industries. Unfortunately, this rational educational movement does not reach even as far south as Rome, and, as the mass of immigrants you receive are from the south, you have not profited by these excellent institutions. The north of Italy is also well equipped with agricultural schools, attended by the children of even the poorest, and experiment stations for the analysis and control of the soil, climate, etc., to render our land as productive as possible. It also has fine normal and industrial schools, free research libraries, and free employment bureaus for would-be emigrants. Only a few schools of low standard exist in the south, although ancient endowed universities are plentiful. In Calabria, which furnished one-third of the 400,000 immigrants who landed in the United States last year, the government maintains as yet but seven normal schools, graduating a far from efficient staff of teachers. And, while the letter of the law is the same for all Italy and compels at least a three years' course of elementary instruction everywhere at the expense of the townships, those only conform to it nominally in the south (so as to avoid trouble with the authorities), paying the smallest sum possible to any kind of an instructor who can produce a teacher's certificate.* Besides,

*This situation is fully described in my Report on the Calabrian Problem and suggestions to the Italian government for its solution, to be obtained at the Bureau for the Protection of Italian Immigrants, 17 Pearl Street, New York City.

many of the southern men have emigrated in search of work or higher wages, and the poverty is such that the house-mothers cannot equip their children and send them to the schools which are often situated far from the homes. They lock their doors in the morning, and take their children of all ages with them to the fields. In December, when I was in Calabria, I saw at dawn and dusk a procession of women and children going or coming from the fields, the larger children bearing the smallest in their arms, the little ones carrying pails of water or bundles of food upon their heads, while the women and girls bent beneath the weight of field tools or the baskets of olives, lemons, or oranges which they had gathered in the distant orchards. It is true the schools had been destroyed or rendered dangerous by the earthquake and were officially closed, but until now, even when open, they have proved useless, and the small learning of the people comes from the Sunday-schools, and has been imparted by an especially ignorant and warped set of priests. And when we recall that in one Calabrian diocese alone one hundred and eighty-three churches were destroyed on the 8th of September, and many priests died this winter from the exposure and anxiety consequent upon the earthquake, the picture of the impossibility of obtaining any kind of learning, save during military service, is complete. As a young prince, yet a serious military commander, our king, His Majesty Victor Emanuele III., observed and pondered this problem. Hence the establishment in all the regiments of holiday and night schools where the recruits are trained elementarily, agriculturally, and industrially, as well as scientifically, if they so desire.

The above picture seems disheartening, but the case is not as hopeless as would appear. The poorest southern Italian children are as industriously inclined and intelligent as those of the north, and more willing to learn than those of the ancient southern aristocracy. The most serious trouble lies in the traditional ignorance and lack of newspapers and the scarcity of food. The parents dare not leave the children at home alone for fear of accidents. The defective schools cannot provide them with a mid-day meal, and the villages are not equipped with co-operative kitchens which are prevalent in the north of Italy. Nor are they prepared to look after the children

more than three hours a day. So the parents brave the truancy fine to escape worse peril.

The object of Italian philanthropic studies is the greatest good for the greatest number with the least expense, and the application of palliative measures until a radical reform can be initiated. Massachusetts has proved in her wonderful development the truth of the axiom engraved upon the outer wall of the Boston Public Library, which states that the education of the people is the strength of the commonwealth. One cannot hope even in decades, with our restricted means and swarming population, to spread before the Calabrians or Sicilians even a part of the wealth of information so freely offered in every Massachusetts school. But our experiments in industrial training have produced a novel system, which, if generally applied, must better existing conditions, and prepare the southern Italians to be more useful citizens in their beautiful native land or whatever country may attract their wandering footsteps.

The experiment began in 1891 in the same township as the night schools. We decided to adapt to the environment of our peasant folk the rural-cottage-garden show of England, at which are exhibited the products in vegetable and flower growing, preserving, and household industry of the yeomen's and farmers' wives. Our associates were pleased with the plan, but feared the people themselves would not understand. Over seven hundred men and women sent varied and interesting exhibits the first year, and in one day there were over nine thousand visitors! Quantities of small prizes were distributed, and some (for the best cultivated field, for instance) consisted of no less than \$40, which has a much vaster purchasing quality in Italy than here. Retrogression in purely feminine industries was observed, due to the development of factories, so the outcome of this first rural exhibition was a lace school for girls of all ages. Having heard of your wonderful mayor "Golden-Rule Jones" of Toledo, Ohio, I tried to profit by his experience, and run our school, of which I was alike principal and teacher, absolutely according to the Golden Rule. Any child could attend it, provided her parents promised to keep her clean and send her to us no less than three times a week for two hours. She could bring her meals, but, if she had not graduated from the public school, we obliged her to frequent it during its hours.

In consequence the attendance, discipline, and decorum at the public school improved. We paid for the well-executed lace from the very beginning, and offered to the parents not only the inducement that their children were learning a remunerative industry and tidiness, economy of little things, cheerful obedience, and to think, judge, and act quickly, but also that they were actually earning money. The Golden-Rule system cleans up the pupils and the school, and furnishes us with teachers, as its logical application causes each child to impart what it has learned to another before receiving instruction in something new. So the use of this system materially limits the expense of a manual training school and gradually renders it self-supporting. The older girls who so desire can learn here also reading, writing, and arithmetic, so as to be able to keep the accounts of their household and the books of a small farm or factory. Their life becomes identified with that of the school, as does that of American factory girls with their unions. The pupils are Americanized, if Americanization means to become self-reliant, adaptable, inventive, and enterprising; and through life they carry with them the material as well as moral impress of their experience there. If a girl desires or is obliged by outside circumstances to leave the school before attaining years of maturity, and passing the moral, intellectual, and industrial examination required to receive a certificate of matriculation as teacher, she can obtain at any time that her knowledge justifies a diploma as artisan, which classifies her knowledge. One girl went to South America at the age of twelve, and earned as much as her passage had cost by making lace for the passengers while crossing. A dwarfed hunchback who, when she came to us, was obstinate, stupid, indifferent, almost recalcitrant, and had never frequented any school, and would have been dismissed many times but for her pitiful physical condition which precluded every other occupation, has learned to read and write and cipher, as well as make such marvellous lace, even in shaded silks, gold, silver, and gems, that the school is indebted to her for one of the gold medals received at the Paris Exhibition of 1900; and she has been sent to Rome, Perugia, and other Italian cities to train teachers in the art of reproducing antique lace, while her character is as beautiful and useful to us as her wonderful technical ability,

and she has become the sunshine-breeder of the school she frequents. There has been no call as yet for a knowledge of English in the frequenters of our north Italian schools, but I feel it would be of the greatest advantage in Calabria and Sicily to teach it through night and holiday schools, wholly or partly free. The Italian immigrant woman's position, as much as the man's, would be ameliorated in the United States, did she know the language and the customs of the country before embarking for the New World. More women would come, more families would be formed or reunited, and families are prone to colonize. The schools, being run on a financially productive system, require an outlet for the regular sale of their products and a constant improvement in the models and the quality of work. Hence the foundation in 1903 of our National Italian Woman's Industries Association, a limited stock company of the newest co-operative type, in which the stockholder invests his capital to help ease the burden and strengthen the hand of the wage-earner, and receives but a legitimate interest upon his money. The surplus is not his, as he has done nothing to create it, but goes to the hands which have produced the successful wares and to the employees who have cared for, exhibited, and sold them. Though this society was created less than three years ago, its most novel and beautiful exhibits, furnished by twenty-four local committees in all parts of Italy, and many schools, more or less of the type above described, occupy fifteen hundred square feet of floor space in the centre of the Decorative Art Building at the Milan International Exposition.

When the earthquake brought the Calabrian problem close to the hearts of all, the members of this society, over which I preside, sought for a means to assist the sufferers, and I suggested that we open refuge work-rooms and co-operative schools for the women and children, where by paying for their work, however crude, and furnishing them with food and garments, we might maintain and instruct without pauperizing them. We have collected samples of the old industries. We have found a responsiveness in the peasants and decayed gentry alike, and a willingness to accept modern methods and ideas. Four co-operative industrial schools have here been opened by us already. In the towns we train girls in dressmaking,

lingerie, typewriting, embroidery, and other industries suited to their environment: in the country we improve the weaving and other simple crafts. The very real economical value of our schools to the peasantry is due to the fact that, though the pay is small, we supply work in our shops or at home, when it is not to be obtained elsewhere, and yet leave to those enrolled full freedom to profit by all opportunities. Should a man or a woman trained by our system emigrate to the northern region of the United States, where for six months outdoor labor ceases, each would be able to gain a livelihood by some one of the industries learned with us. Should we add to this the training, which I advocate, in English speaking, reading, and writing, and in the laws of this country, a man would be adequately prepared for Americanization; and you can see of what economic value such an immigrant would prove, without regard to the amount of cash with which he might be provided on landing. It would be better to educate him for America before he started for America; first, that he might know what America is like and what is expected of a man here; and, second, because all teaching abroad, as well as all living abroad, is less expensive than in America, and so a good settler would be produced at the least possible cost. That it would find local favor you need not doubt. I have talked the matter over, not only with Italian politicians and philanthropists, but with rich emigrants who have returned to Italy, and poor immigrants here who are struggling against the pecuniary loss and physical discomfort to which the absence of just such instruction is exposing them. I have been to Calabria twice. I have interviewed there some typical *Americani* of whom I spoke to you the other night. "If you will give us," they have said in their picturesque way, "If you will give our people, our women and children, lessons in the language and the laws of the country to which they are to go; if you will teach them about its cities, its climate, its products; if you will render them familiar with its perils,—you will do us all the greatest benefit, and God will bless you and yours." Approximately, it only requires six hundred words, or ten per cent. of the colloquial English language, to make one's self understood in it, and many American-born farmers never use more. So six hundred words spoken or written are more than sufficient for the immigrant.

All Italians are naturally intelligent, and could be trained in the evenings and during the holidays in all that is needed by an ideal laborer's or homesteader's family. My idea would be for you to prepare here in America simple primers, using the best talent obtainable. In these no valuable time or thought would be wasted upon teaching nonsense to familiarize people with words, but every sentence, spelled out with that effort which memorizes what it overcomes, should convey a lesson in the history, laws, customs, and the resources of your country. I am prepared to manage a fund to provide for such schools, and, should the idea grow, international reciprocity could be established by your sending your magnificently trained and most intelligent public school-teachers, who desire a rest through a change of occupation, to live in our beautiful and interesting surroundings, and mould during one season, one golden and green winter, a batch of future American citizens. Before returning, they could visit the art treasures of our land, and, having meanwhile, in teaching their own, acquired some knowledge of the Italian language, meet Italian educational pioneers and instructors, and Americanize the ideas of the stay-at-home Italians with whom they came in contact. Modern Italy is, after all, your little sister and schoolmate at the university of life. America achieved her liberty one hundred and twenty-five years ago, clad in homespun and crowned with her wild prairie flowers. Now she stands enthroned upon her sculptured monuments, clad in the wondrous textiles of her looms, crowned with the gold and gems mined from her soil and wrought into curious and novel devices by her sons, the sons of assimilated immigrants. Little sister Italy lacks the gold and silver, the coal and iron, the copper and mercury, which beneath your cultivated fields and lush prairies render the soil quadruply rich, but she possesses intelligence, good will, the secrets of the alchemy of agriculture, of the miracle of reproduction, of exhaustless fertility and rapid growth, and so can serve and help mighty America if the imperial hand is extended to her in a spirit of reciprocity and welcome.

Think of the thousands of unused virgin acres in Louisiana alone, teeming with the promise of wealth, and remember that in certain parts of Italy on forty acres, worn by two thousand years of agriculture, a family of fifty souls can live and

increase, provided the men have the agricultural knowledge which our government has so successfully imparted to our northern farmers. Here everything is saved, every one is utilized. It would seem well worth while to procure for yourselves such people, and to help us in preparing them for you. They may appear to live poorly and not care for much or the same food; but many Americans opine that vegetarianism is a hygienic blessing, and that the curse of the age is overeating.

Why, if they are so valuable, are we willing to let our people leave Italy? Because we have not area to furnish our rapidly increasing agricultural population with land upon which to expend its energies, and wish to give it a chance to better itself, as do your farmers who send their sons and daughters to your cities.

Let those who admire Christ's teachings seek to apply them, and, remembering that he has said, "In our Father's house are many mansions," give up spending money in seeking to turn people out of one mansion into another, and devote their generously contributed wealth instead to elementary instruction in good citizenship and the Golden Rule, as he preached. I can promise you in the name of Italy that such missionary work will give you a far richer harvest and yield more material and spiritual advantages per capita than anything yet achieved along missionary lines. The experiment is worth trying. I can find those who with me will do the arduous work and watch over the planting and tending of the crop, that you may profit by the harvest. Our graduates in Americanism would, besides their passports and health certificates, carry the diploma from our schools whereby the school-teacher and trustees would certify as to the bearer's knowledge, qualifications, and character; and this, I am sure, would be as welcome a paper to Mr. Watchorn as any he has imagined, to complete his wonderful Ellis Island registers. Through the application of this system I promise the big figures will quickly disappear from the illiterate column, in as far as Italians are concerned, and a great new one will arise, that on which will stand registered the hopeful incoming phalanxes of especially equipped aspirants to Americanism, qualified to rapidly increase in every department of natural growth the wealth and power of this nation.

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